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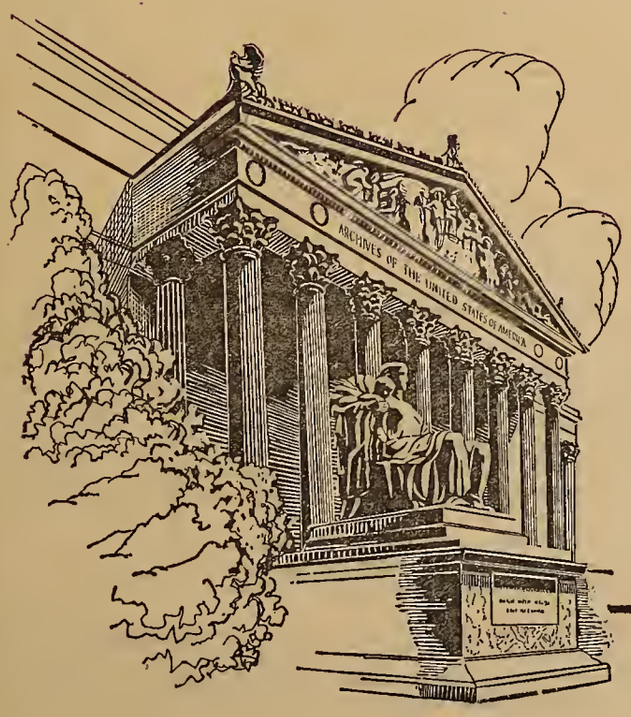

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PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one position of Confidential Secretary to the Administrator, and one position of Confidential Secretary to each of the two Associate Administrators, Law Enforcement Assistance Administration, are in Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (s) is added to § 213.3310 as set out below.

§ 213.3310 Department of Justice.

* * * * *

(s) *Law Enforcement Assistance Administration.* (1) One Confidential Secretary to the Administrator.

(2) One Confidential Secretary to each of the two Associate Administrators.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–12815; Filed, Oct. 21, 1968; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1969 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

NATIONAL MARKETING QUOTA REFERENDUM

Section 722.466 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section fixes the period for holding the national marketing quota referendum under section 343 of the act.

Notice that the Secretary was preparing to fix the period for holding the referendum was published in the FEDERAL REGISTER on September 25, 1968 (33 F.R. 14414), in accordance with 5 U.S.C. 553. No written submissions were received in response to such notice. It will serve no purpose to delay the effective date of this section and accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and § 722.466 shall be effective upon publication of this document in the FEDERAL REGISTER.

§ 722.466 National marketing quota referendum for the 1969 crop of upland cotton.

The national marketing quota referendum for the 1969 crop of upland cotton shall be held during the referendum period December 2 to 6, 1968, each inclusive, by mail ballot in accordance with Part 717 of this chapter (§ 717.17, 31 F.R. 12011). It is hereby determined that such referendum shall not be conducted by voting at polling places.

(Secs. 343, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1343, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D. C., on October 16, 1968.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68–12825; Filed, Oct. 21, 1968; 8:49 a.m.]

PART 722—COTTON

Subpart—1969 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

ALLOTMENTS, PROJECTED YIELDS, AND EXPORT MARKET ACREAGE RESERVE

The provisions of §§ 722.467 and 722.468 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act"), with respect to the 1969 crop of upland cotton (referred to as "cotton"). The purpose of these provisions is to establish a national domestic allotment, farm domestic acreage allotment percentage, projected national and State yields and a national export market acreage reserve for the 1969 crop of cotton. The latest available statistics of the Federal Government have been used in making determinations under these provisions.

Notice that the Secretary was preparing to make determinations with respect to these matters was published in the FEDERAL REGISTER on September 25, 1968 (33 F.R. 14414), in accordance with the provisions of 5 U.S.C. 553. One response relative to the determinations of projected yields was received and considered.

In order that farmers may be informed as soon as possible of the farm domestic allotments for 1969 and the amount of the national export market acreage reserve for 1969 so that they may make plans accordingly, it is essential that these provisions be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and §§ 722.467 and 722.468 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.467 National domestic allotment, projected national and State yields and farm domestic acreage allotment percentage for the 1969 crop of upland cotton.

(a) *Amount of national domestic allotment.* Under section 350 of the act, the Secretary is required to determine a national domestic allotment for the 1969 crop of cotton equal to the estimated domestic consumption of cotton (standard bales of 480 pounds net weight) for the marketing year beginning August 1, 1969. Such estimated domestic consumption is hereby determined to be 4.32 billion pounds. The national domestic allotment for the 1969 crop of cotton is hereby established as 4.32 billion pounds of cotton (net weight).

(b) *Projected national yield.* The projected national yield for the 1969 crop of cotton under section 301(b)(13)(L) of the act is hereby determined to be 545 pounds per acre on the basis of the average yield per harvested acre in the United States during 1963, 1964, 1965, 1966, and 1967, adjusted for abnormal weather conditions affecting such yield, for trends in yields and for any significant changes in production practices.

(c) *Projected State yields.* The projected State yields for the 1969 crop of cotton under section 301(b)(13)(L) of the act, are hereby determined as listed below, on the basis of the average yield per harvested acre in the State during 1963, 1964, 1965, 1966, and 1967, adjusted for abnormal weather conditions affecting such yield, for trends in yields and for any significant changes in production practices.

State	*Projected yield (pounds per acre)*
Alabama	523
Arizona	1,199
Arkansas	576
California	1,150
Florida	382
Georgia	502
Illinois	488
Kansas	218
Kentucky	648
Louisiana	640
Mississippi	750
Missouri	578
Nevada	887
New Mexico	775
North Carolina	398
Oklahoma	318
South Carolina	518
Tennessee	620
Texas	421
Virginia	360

(d) *Farm domestic allotment percentage.* Under section 350 of the act, the Secretary is required to determine a farm domestic acreage allotment percentage for the 1969 crop of cotton which shall be the larger of (1) 65 percent of the 1969 farm acreage allotment established under section 344 of the act, or (2) the percentage obtained by dividing (i) the national domestic allotment (in net weight pounds) by (ii) the total for all States of the product of the State acreage allotment (established under § 722.465 in the first column headed "State's share of national allotment") and the projected State yield (established under paragraph (c) of this section). It is hereby determined that the farm domestic acreage allotment percentage for the 1969 crop of cotton shall be 65 percent which is larger than the percentage calculated under subparagraph (2) of this paragraph. This determination is based on the following data:

Determinations for purpose of:
(i) Section 722.467(d)(2)(i): 432 billion pounds.
(ii) Section 722.467(d)(2)(ii): 8.73 billion pounds.
(iii) Section 722.467(d)(2): 49 percent.

§ 722.463 National export market acreage reserve for the 1969 crop of upland cotton.

Under section 346(e) of the act, the national export market acreage reserve for the 1969 crop of cotton is required to be determined on the basis of the following formula:

If the carryover on July 31, 1969, is estimated to be less than the carryover on August 1, 1968, by—	*The national export market acreage reserve for the 1969 crop shall be—*
At least 1,000,000 bales	250,000 acres.
At least 750,000 bales, but not as much as 1,000,000 bales	187,500 acres.
At least 500,000 bales, but not as much as 750,000 bales	125,000 acres.
At least 250,000 bales, but not as much as 500,000 bales	62,500 acres.
Less than 250,000 bales	None.

It is hereby determined that the estimated carryover on July 31, 1969, in the amount of 5,292,000 running bales or the equivalent will be less than the carryover on August 1, 1968, in the amount of 6,267,000 running bales or the equivalent by 975,000 running bales or the equivalent. Accordingly, the national export market acreage reserve for the 1969 crop of cotton is hereby established as 187,500 acres.

(Secs. 301, 346(e), 350, 375, 52 Stat. 38, as amended; 79 Stat. 1192, 1193; 52 Stat. 66, as amended; 7 U.S.C. 1301, 1346(e), 1350, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 17, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-12847; Filed, Oct. 18, 1968; 9:55 a.m.]

PART 722—COTTON

Subpart—1969 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

NATIONAL MARKETING QUOTA REFERENDUM

Section 722.554 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section fixes the period for holding the national marketing quota referendum under section 343 of the act.

Notice that the Secretary was preparing to fix the period for holding the referendum was published in the FEDERAL REGISTER on September 25, 1968 (33 F.R. 14414), in accordance with 5 U.S.C. 553. No written submissions were received in response to such notice. It will serve no purpose to delay the effective date of this section and accordingly, it is hereby determined and found that compliance with the 30-day effective day requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and § 722.554 shall be effective upon publication of this document in the FEDERAL REGISTER.

§ 722.554 National marketing quota referendum for the 1969 crop of extra long staple cotton.

The national marketing quota referendum for the 1969 crop of extra long staple cotton shall be held during the referendum period December 2 to 6, 1968, each inclusive, by mail ballot in accordance with Part 717 of this chapter (§ 717.17, 31 F.R. 12011). It is hereby determined that such referendum shall not be conducted by voting at polling places.

(Sec. 343, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1343, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 16, 1968.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-12824; Filed, Oct. 21, 1968; 8:49 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 11]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas, and Quota Deficits for 1968

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment to Sugar Regulation 811 (32 F.R. 18083), as amended, is to revise the determination of sugar requirements for the calendar year 1968, establish quotas, prorations, and direct-consumption limits consistent with such requirements and to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 201 of the Act requires that the Secretary shall revise the determination of sugar requirements at such time during the calendar year as may be necessary.

As long as there is a possibility of a waterfront work stoppage on December 20, 1968, cane sugar refiners and food processors are expected to increase their inventories of sugar and sugar-containing products before that time. An increase in requirements at this time is necessary to assure adequate supplies for the balance of this year.

Accordingly, total sugar requirements for the calendar year 1968 are hereby increased by 100,000 short tons, raw value, to a total of 11 million short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. On the basis of the quota established for the Domestic Beet Sugar Area for the calendar year 1968 a finding was heretofore made (33 F.R. 10934) that the Domestic Beet Sugar Area was unable to fill its quota then in effect by 147,667 short tons, raw value, and accordingly a quota deficit was determined for the Domestic Beet Sugar Area for 147,667 tons. Due to the fact that the quota for the Domestic Beet Sugar Area is increased herein by 47,666 tons it is hereby found that the Domestic Beet Sugar Area will be unable to fill its quota by an additional 47,666 short tons, raw value. Therefore, a total deficit is herein determined in the 1968 quota for the Domestic Beet Sugar Area of 195,333 short tons, raw value. On the basis of information available to the Department pertaining to the sugar produced from the current sugar crop in Haiti, that country will be able to supply only 33,478 short tons, raw value, of sugar to the United States during 1968. Therefore, it is hereby found that Haiti will be unable to fill any quota increase or additional deficit proration that may be available to it during 1968. Accordingly, a deficit is herein determined in the quota for Haiti of 350 short tons, raw value. The Secretary has previously determined that the French West Indies, Nicaragua, Panama, and Thailand will be unable to supply any additional sugar during 1968. Therefore, the additional quotas established herein in short tons, raw value, of 334 for the French West Indies, 742 for Nicaragua, 466 for Panama, and 116 for Thailand are hereby determined to be deficits in their respective 1968 quotas.

The additional deficit determined for the Domestic Beet Sugar Area of 47,666 short tons, raw value, the deficit determined for Haiti of 350 short tons, raw value, and the additional deficits of 800 short tons, raw value, determined for the French West Indies and Panama are herein prorated to Western Hemisphere

countries listed in Section 202(c)(3)(A) of the Act which are able to supply such additional sugar on the basis of quotas most recently in effect. The additional deficit in the quota for Nicaragua of 742 short tons, raw value, is herein prorated to other Central American Common Market countries which are able to supply such additional sugar on the basis of quotas most recently in effect. The additional deficit in the quota for Thailand of 116 short tons, raw value, is herein prorated to other Eastern Hemisphere countries listed in section 202(c)(3)(B) of the Act which are able to supply such additional sugar on the basis of published quotas most recently in effect. None of the deficits are herein prorated to the Republic of the Philippines since it has previously notified the Department that it cannot supply any sugar in excess of its statutory quota.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.60, 811.61, 811.62, and 811.63 as follows:

1. Section 811.60 is amended to read as follows:

§ 811.60 Sugar requirements, 1968.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1968 is hereby determined to be 11 million short tons, raw value.

2. Section 811.61 is amended by amending paragraph (a) to read as follows:

§ 811.61 Quotas for domestic areas.

(a)(1) For the calendar year 1968 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2) as follows:

Area	Quotas	Direct-consumption limits
	(1)	(2)
	(Short tons, raw value)	
Domestic beet sugar	3,311,000	No limit
Mainland cane sugar	1,204,000	No limit
Hawaii	1,191,704	37,620
Puerto Rico	1,140,000	165,000
Virgin Islands	15,000	0

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1968 the Domestic Beet Sugar Area, Puerto Rico, and the Virgin Islands will be unable by 195,333, 625,000, and 15,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act, the determination of such deficits shall not effect the quotas established in subparagraph (1) of this paragraph.

* * * * *

3. Section 811.62 is amended by adding a new paragraph (a)(6) to read as follows:

§ 811.62 Proration and allocation of deficits and quotas in effect.

(a) * * *

(6) A deficit is hereby determined in the quota established for Haiti of 350 short tons, raw value, and additional deficits are hereby determined in the quotas established for the French West Indies, Nicaragua, Panama, and Thailand of 334, 742, 466, and 116 short tons, raw value, respectively. The additional deficits in the Domestic Beet Sugar Area quota, determined in subparagraph (a)(2) of § 811.61, of 47,666 short tons, raw value, plus the deficits in the quotas for the French West Indies, Haiti, and Panama of 334, 350, 466 short tons, raw value, respectively are herein prorated to Western Hemisphere countries named in section 202(c)(3)(A) of the Act which are able to supply such additional sugar on the basis of published quotas most recently in effect. The additional deficit in the quota for Nicaragua of 742 short tons, raw value, is herein prorated to other Central American Common Market countries named in section 202(c)(3)(A) of the Act which are able to supply such additional sugar on the basis of published quotas most recently in effect. The additional deficit in the quota for Thailand of 116 short tons, raw value, is herein prorated to countries outside the Western Hemisphere named in section 202(c)(3)(B) of the Act which are able to supply such additional sugar on the basis of published quotas most recently in effect.

* * * * *

4. Section 811.63 is amended by amending paragraph (c) to read as follows:

§ 811.63 Quotas for foreign countries.

* * * * *

(c) For the calendar year 1968, the prorations to individual foreign countries pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations and allocations previously established are shown in column (3). In column (4) the deficit in the quotas for the Domestic Beet Sugar Area, French West Indies, Haiti, Nicaragua, Panama, and Thailand of 47,666, 334, 350, 742, 466, and 116 short tons, raw value, respectively, are herein prorated pursuant to paragraph (a)(6) of § 811.62.

Countries	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d) [1]	Previous deficits and deficit prorations and allocations	New deficits and deficit prorations	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
	(Short tons, raw value)				
Mexico	232,435	250,277	139,885	9,827	632,424
Dominican Republic	227,324	244,777	222,397	10,975	705,473
Brazil	227,324	244,771	136,811	9,610	618,516
Peru	181,318	195,236	109,123	7,666	493,343
British West Indies	90,809	74,186	49,098	3,398	217,491
Ecuador	33,076	35,614	19,906	1,398	89,994
French West Indies	28,566	23,338	14,893	−334	66,463
Argentina	27,964	30,111	16,830	1,182	76,087
Costa Rica	26,762	28,815	16,105	1,421	73,103
Nicaragua	26,762	28,815	0	−742	54,835
Colombia	24,055	25,902	14,476	1,017	65,450
Guatemala	22,552	24,284	13,573	1,198	61,607
Panama	16,839	18,133	3,304	−466	37,810
El Salvador	16,538	17,809	9,954	878	45,179
Haiti	12,629	13,598	7,601	−350	33,478
Venezuela	11,426	12,301	6,877	483	31,087
British Honduras	6,615	5,404	3,578	248	15,845
Bolivia	2,706	2,913	1,628	114	7,361
Honduras	2,706	2,913	1,628	143	7,390
Australia	108,249	87,853	7,128	46	203,276
Republic of China	45,104	36,605	2,970	19	84,698
India	43,300	35,141	2,851	19	81,311
South Africa	31,873	25,868	2,099	14	59,854
Fiji Islands	23,755	19,279	1,564	10	44,608
Thailand	9,923	8,053	−17,860	−116	0
Mauritius	9,923	8,053	653	4	18,633
Malagasy Republic	5,112	4,149	337	2	9,600
Swaziland	3,909	3,173	258	2	7,342
Ireland	5,351	0	0	0	5,351
Total	1,504,905	1,507,371	787,667	47,666	3,847,609

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

(Secs. 201, 202, 204, and 403; 61 Stat. 923, as amended, 924, as amended, and 7 U.S.C. 1111, 1112, 1114, and 1115)

Effective date. This action increases quotas for the calendar year 1968 by 100,000 tons and prorates deficits of 49,674 tons. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on October 17, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-12827; Filed, Oct. 17, 1968; 4:40 p.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8445, Amdt. 39-673]

PART 39—AIRWORTHINESS DIRECTIVES

Godfrey Cabin Superchargers Type 15 Marks 6, 9, and 14

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive applicable to Godfrey Cabin Superchargers was published in 33 F.R. 8281. It was proposed to require the repetitive inspection of the oil metering unit and bearing cover plates for looseness, the securing of loose units and plates, and a modification within 1,500 hours' time in service on all airplanes with Godfrey Cabin Superchargers installed.

Interested persons have been afforded an opportunity to participate in the making of the amendment. A comment was received objecting to the repetitive inspection specified in paragraph (a) of the proposed airworthiness directive as being unnecessary for the Grumman Model G-159 airplane. In response to this comment, the FAA has determined that the repetitive inspection is necessary only for the British Aircraft Corp. Viscount Models 744, 745D, and 810 airplanes. On the other hand, the modification specified in paragraph (b) must be incorporated in all the applicable aircraft, as proposed. The AD has been revised accordingly.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GODFREY. Applies to Godfrey Cabin Superchargers Type 15 Marks 6, 9, and 14, installed on, but not necessarily limited to, British Aircraft Corp. Viscount Models 744, 745D, and 810; Armstrong Whitworth Argosy AW-650; Fokker F-27 Marks 100 and 300; Fairchild Hiller Models F27 and FH227 all series; Nihon Model YS-11; and Grumman Model G159 airplanes.

Compliance required as indicated.

To prevent the loss of oil from the Godfrey Cabin Compressor due to the oil metering unit or bearing covering plate becoming loose, accomplish the following unless already accomplished:

(a) For British Aircraft Corp. Viscount Models 744, 745D, and 810 airplanes—

Within the next 50 hours' time in service after the effective date of this AD and thereafter at intervals whenever the gear box oil contents are checked, inspect the oil metering unit and bearing cover plate for security, i.e., nuts are tight and spring washers fully compressed. Secure as necessary.

(b) For all the applicable airplanes—

At the next overhaul of the Supercharger or within the next 1,500 hours' time in service, whichever occurs earlier, after the effective date of this AD, replace and lockwire the oil metering unit and bearing cover retaining nuts, in accordance with Godfrey Precision Products, Ltd. Service Bulletin No. 21-116-1195, Revision 2, dated February 1, 1968, or later ARB-approved revision or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

(c) The repetitive inspections required by paragraph (a) may be discontinued following the incorporation of the modification required by paragraph (b).

This amendment becomes effective November 21, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 15, 1968.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 68-12792; Filed, Oct. 21, 1968; 8:46 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 3, Amdt. 6]

PART 120—LOAN POLICY

Terms and Conditions of Financial Assistance

Section 120.3 of Part 120 of Title 13 of the Code of Federal Regulations is hereby amended by revising paragraph (b) (1), (2)(v), and (3), therein to read as follows:

§ 120.3 Terms and conditions of financial assistance.

* * * * *

(b) *Charges on guaranteed loans*—(1) *Charges.* In guaranteed loans (those made by a financial institution with which SBA has entered into an agreement to guarantee as set forth in Part 122 of this chapter), a guaranty charge shall be payable by the financial institution to SBA for such agreement. The guaranty charge shall be one-quarter of 1 percent per annum on the portion of the loan which SBA has guaranteed.

(2) * * *

(v) The interest rate on temporary advances to financial institutions under the liquidity privilege of the Loan Guaranty Plan shall be 5½ percent per annum computed on a per diem basis.

(3) *Service fees.* In immediate participation loans made and serviced by a financial institution, the financial institution may deduct a service fee only out of interest collected for the account of SBA so long as the bank is servicing the loan, and provided that such fee shall not be added to any amount which borrower is obligated to pay under the loan. Where SBA's share of the loan is 75 percent or less, the service fee shall be three-eighths of 1 percent per annum on the unpaid principal balance of SBA's share of the loan. Where SBA's share is in excess of 75 percent of the loan, the service fee shall be one-quarter of 1 percent per annum on the unpaid principal balance of SBA's portion of the loan.

Effective date: September 4, 1968, except the revision of paragraph (b)(2)(v) of § 120.3 which is effective as of April 20, 1968.

HOWARD J. SAMUELS,
Administrator.

[F.R. Doc. 68-12789; Filed, Oct. 21, 1968; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

"Danish" as Applied to Furniture

§ 15.301 "Danish" as applied to furniture.

In amplification of Rule 7—Deception as to Origin—set forth in its Trade Practice Rules for the Household Furniture Industry, the Commission advised the requesting party as follows:

(a) "Danish," "Danish Modern," and like terms should be used only as to furniture produced entirely within the Kingdom of Denmark;

(b) "Danish designed" and like terms should be used only as to furniture entirely designed or styled within the Kingdom of Denmark;

(c) "Danish style," "in the Danish manner," "after the Danish style," and like terms may be used to describe furniture manufactured other than in the Kingdom of Denmark provided such furniture has the characteristics of Danish design as understood by the general public.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: October 21, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-12828; Filed, Oct. 21, 1968; 8:49 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Promotional Plan Involving "Cents Off" Coupons and Demonstrators

§ 15.302 Promotional plan involving "cents off" coupons and demonstrators.

(a) The Commission rendered an advisory opinion to the promoter of a promotional plan involving the use of "cents off" coupons which are to be given out by girl demonstrators in connection with the sale of items sold only in grocery stores.

(b) Offered to all competing retailers in a selected trading area, irrespective of whether they buy directly or through wholesalers, the coupons will be valid only for the week that the promotion is in effect. Supplying as many demonstrators and coupons as may be necessary to meet the demand therefor, larger stores will have as many as three girl demonstrators giving out coupons in attendance for 3 days and smaller stores will have one or two girls in attendance for 1 or 2 days. Participating manufacturers will pay the promoter a certain sum per each demonstrator, plus the amount of the value of the redeemed coupons. Participating retailers will receive nothing of value other than demonstrator services, except reimbursement for the exact value of the coupons which they have redeemed. In addition to being given out by the demonstrators, the "cents off" coupons will also be attached to the shelf in front of the product that is being promoted.

(c) For those stores which find the basic plan is not suitable or usable in a practical business sense, the promoter will furnish without charge an alternate plan consisting of a prominent bulletin board announcing the plan to consumers. Placed in the most advantageous position in the store by the owner, the bulletin board will also have an adequate supply of "cents off" coupons attached thereto. In addition, coupons will also be attached to the shelf in front of each product being promoted, as in the case of the basic plan involving the use of demonstrators. If the retailer does not wish to use the bulletin board, he will be permitted to hand out the coupons as the customer passes by the cash register.

(d) Notice of the availability of the basic and alternate plans will be made by (1) letter every 6 months to all wholesalers requesting them to notify their retail customers, (2) working with various trade associations on a continuous basis so that the associations will inform their members, (3) publishing ads every 3 months in two newspapers widely circulated among the trade, (4) letters sent to the buying offices of cooperatives and chain stores, and (5) use of the following statement printed on the back of each coupon: "For detailed information about this coupon call (promoter's name and telephone number)".

(e) In the opinion, the Commission stated that the proposed promotional plan would not be in conformity with the law for the following two reasons:

(1) "First, section 2(e) of the amended Clayton Act requires that promotional services be furnished to all competing purchasers on proportionally equal terms, if a promotional service is furnished to one purchaser. If the length of time for which the service is being furnished varies as between competing customers, the end result will be that some customers will be furnished services in a greater proportion than others. In essence, the law requires that the services which are being furnished must be offered for a specified period of time which is uniformly applicable to all competing customers. Under your proposed plan, some stores may be furnished the services of demonstrators for up to 3 days, whereas some competing stores will be supplied with such services for only 1 or 2 days. Because of this disparity in the amount of time during which demonstrator services will be furnished, the Commission believes that the plan does not comply with the required statutory proportionally equal treatment.

(2) "The second defect in the proposed plan relates to the following statement which apepars on the face of 'cents off' coupon: 'Good Today Only—During Demonstration.' According to the terms of the proposed plan, each coupon will be valid for 1 week. Therefore, the aforementioned statement which appears on the face of the coupon is misleading because it misrepresents the period of time during which one may take advantage of the alleged savings."

(f) The opinion then pointed out that if the promoter decided to correct the two above-mentioned deficiencies, the Commission would withdraw its objection to the plan, provided the following two conditions are met.

(1) "First, as the promoter of this plan, you must make it clear to each supplier and each retailer that even though an intermediary is employed, it remains the supplier's responsibility to take all reasonable steps so that each of the supplier's customers who compete with one another in reselling his products is offered either an opportunity to participate in the promotional assistance plan on proportionally equal terms or a suitable alternative if the customer is unable as a practical matter to participate in the plan; if not, the supplier, the retailer and the promoter participating in the plan may be acting in violation of section 2 (d) or (e) of the Clayton Act and/or section 5 of the Federal Trade Commission Act.

(2) "Second, with respect to this matter of notification, you have outlined five methods which you expect to utilize. The Commission is withholding judgment as to the adequacy of the fifth method, namely, the use of a statement printed on the back of each coupon. It is doing so because it does not know how the retailer will get possession of this coupon and it believes that the statement itself is not sufficiently informative to apprise prospective retailers about the plan. But regardless of whether the stated methods of notification or others are used, the ultimate test is whether the plan has been effectively communicated to all competing customers at or about the same time within the selected marketing area and to those who, geographically, are located on the periphery of that area and in fact compete with the favored retailers."

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: October 21, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68–12830; Filed, Oct. 21, 1968; 8:49 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Commission Does Not Object to Program Employing Data Processing Equipment to Collect and Disseminate Actual Production and Sales Information

§ 15.303 Commission does not object to program employing data processing equipment to collect and disseminate actual production and sales information.

(a) The Commission issued an advisory opinion telling an applicant it does not object to a proposed program to employ data processing equipment for the collection and dissemination of actual production and sales information rapidly.

(b) The program is to be made available to poultry processors. Individual identity of participants will not be revealed to others except in long-and-short emergencies. It is understood that such a situation exists when a processor finds he has an insufficient supply of chickens (i.e., he is "short") to fill the contractual obligation under a sales contract he has made; another supplier may have a surplus (i.e., he is "long"); the proposed program, in these emergencies, would permit the short and long suppliers to communicate with each other through the data processing equipment. Only in such a situation would any participants learn each other's identity.

(c) The proposal involves the collection and reporting of actual production and sales data rapidly; it will not deal with predictions by participants nor with asking, suggested or "future" prices.

(d) The service is to be made available solely to poultry processors on a daily basis; poultry distributors, applicant says, are not interested in participating. Other subscribers may receive weekly or monthly information summaries but not daily reports.

(e) The Commission advised that it would have no objection to the proposal if implemented in the manner outlined in applicant's letter, but that this opinion is conditioned upon the submission, within nine months, of a full report indicating the manner in which the plan has worked in actual practice.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: October 21, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68–12829; Filed, Oct. 21, 1968; 8:49 a.m]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 207.19 paragraph (c) (6) is amended to read as follows:

§ 207.19 Required supervision of private mortgagors.

* * * * *

(c) *Requirements incident to insurance of advances.* * * *

(6) The mortgagor shall furnish assurance of completion of the project, in the form of a personal indemnity agreement, a surety company bond or bonds, a cash escrow deposit, or a letter of credit, as required by the Commissioner. The personal indemnity agreement and the bonds shall be on forms approved by the Commissioner. The surety company executing a bond must be satisfactory to the Commissioner. Where a cash escrow deposit is used, it shall be established under an agreement with the mortgagee or with a depository satisfactory to the mortgagee and the Commissioner and shall involve cash, or securities of, or fully guaranteed as to principal and interest by, the United States of America. The types of assurance to be furnished are as follows:

(i) Where the estimated cost of construction or rehabilitation is $200,000 or less, assurance will be accepted in the form of a personal indemnity agreement executed by the principal officers, directors, stockholders, or partners or individuals operating as the General contractor.

(ii) Where the estimated cost of construction or rehabilitation is more than $200,000 or where such cost is less than $200,000 and a personal indemnity agreement is not executed, assurance shall be by a surety company bond or bonds, a cash escrow deposit, or a letter of credit, the amount of which shall be prescribed by the Commissioner.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

In § 213.27 paragraph (e) is amended to read as follows:

§ 213.27 Assurance of completion.

* * * * *

(e) The mortgagor shall furnish assurance of completion of the project, in the form of a personal indemnity agreement, a surety company bond or bonds, a cash escrow deposit, or a letter of credit, as required by the Commissioner. The personal indemnity agreement and the bonds shall be on forms approved by the Commissioner. The surety company executing a bond must be satisfactory to the Commissioner. Where a cash escrow deposit is used, it shall be established under an agreement with the mortgagee or with a depository satisfactory to the mortgagee and the Commissioner and shall involve cash, or securities of, or fully guaranteed as to principal and interest by, the United States of America. The types of assurance to be furnished are as follows:

(1) Where the estimated cost of construction or rehabilitation is $200,000 or less, assurance will be accepted in the form of a personal indemnity agreement executed by the principal officers, directors, stockholders, or partners or individuals operating as the general contractor.

(2) Where the estimated cost of construction or rehabilitation is more than $200,000 or where such cost is less than $200,000 and a personal indemnity agreement is not executed, assurance shall be by a surety company bond or bonds, a cash escrow deposit, or a letter of credit, the amount of which shall be prescribed by the Commissioner.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.542 paragraphs (a) and (c) are amended to read as follows:

§ 221.542 Assurance of completion.

(a) The mortgagor shall furnish assurance of completion of the project, in the form of a personal indemnity agreement, a surety company bond or bonds, a cash escrow deposit, or a letter of credit, as required by the Commissioner. The personal indemnity agreement and the bonds shall be on forms approved by the Commissioner. The surety company executing a bond must be satisfactory to the Commissioner. Where a cash escrow deposit is used, it shall be established under an agreement with the mortgagee or with a depository satisfactory to the mortgagee and the Commissioner and shall involve cash, or securities of, or fully guaranteed as to principal and interest by, the United States of America. The types of assurance to be furnished are as follows:

(1) Where the estimated cost of construction or rehabilitation is $200,000 or less, assurance will be accepted in the form of a personal indemnity agreement executed by the principal officers, directors, stockholders, or partners or individuals operating as the general contractor.

(2) Where the estimated cost of construction or rehabilitation is more than $200,000 or where such cost is less than $200,000 and a personal indemnity agreement is not executed, assurance shall be by a surety company bond or bonds, a cash escrow deposit, or a letter of credit, the amount of which shall be prescribed by the Commissioner.

* * * * *

(c) Rehabilitation projects involving 11 or less living units shall be excepted from the indemnity agreement, bonding, escrow, or letter of credit requirements of paragraphs (a) and (b) of this section, but the benefits of such exception shall not be available where it has already been applied to two rehabilitation projects (each involving 11 or less living units) currently being constructed and which involve the same mortgagor or general contractor.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715*l*)

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES

PART 232—NURSING HOMES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 232.56 paragraph (a) is amended to read as follows:

§ 232.56 Assurance of completion.

(a) The mortgagor shall furnish assurance of completion of the project, in the form of a personal indemnity agreement, a surety company bond or bonds, a cash escrow deposit, or a letter of credit, as required by the Commissioner. The personal indemnity agreement and the bonds shall be on forms approved by the Commissioner. The surety company executing a bond must be satisfactory to the Commissioner. Where a cash escrow deposit is used, it shall be established

under an agreement with the mortgagee or with a depository satisfactory to the mortgagee and the Commissioner and shall involve cash, or securities of, or fully guaranteed as to principal and interest by, the United States of America. The types of assurance to be furnished are as follows:

(1) Where the estimated cost of construction or rehabilitation is $200,000 or less, assurance will be accepted in the form of a personal indemnity agreement executed by the principal officers, directors, stockholders, or partners or individuals operating as the general contractor.

(2) Where the estimated cost of construction or rehabilitation is more than $200,000 or where such cost is less than $200,000 and a personal indemnity agreement is not executed, assurance shall be by a surety company bond or bonds, a cash escrow deposit, or a letter of credit, the amount of which shall be prescribed by the Commissioner.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

SUBCHAPTER W—GROUP PRACTICE FACILITIES INSURANCE

PART 1100—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

Subpart A—Eligibility Requirements

In § 1100.95 paragraphs (a) and (b) are amended to read as follows:

§ 1100.95 Funds and finances—insured advances—assurance of completion.

(a) *In general.* The mortgagor shall furnish assurance of completion of the project, in the form of a personal indemnity agreement, a surety company bond or bonds, a cash escrow deposit, or a letter of credit, as required by the Commissioner. The types of assurance to be furnished are as follows:

(1) Where the estimated cost of construction or rehabilitation is $200,000 or less, assurance will be accepted in the form of a personal indemnity agreement executed by the principal officers, directors, stockholders, or partners or individuals operating as the general contractor.

(2) Where the estimated cost of construction or rehabilitation is more than $200,000 or where such cost is less than $200,000 and a personal indemnity agreement is not executed, assurance shall be by a surety company bond or bonds, a cash escrow deposit, or a letter of credit, the amount of which shall be prescribed by the Commissioner.

(b) *Indemnity agreement and bond requirements.* The personal indemnity agreement and the bonds shall be on forms approved by the Commissioner. The surety company executing a bond must be satisfactory to the Commissioner.

(Sec. 110, 80 Stat. 1255, 1274; 12 U.S.C. 1749aaa–1 et seq.)

Issued at Washington, D.C., October 17, 1968.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 68–12810; Filed, Oct. 21, 1968; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 11—ARROWHEAD SYMBOL

Miscellaneous Amendments

Pursuant to authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), Part 11 is hereby amended.

The purpose of the amendment is to give the new National Park Service Symbol the same protection against unauthorized uses afforded the earlier symbol by the regulations in this part and to effect a minor revision of § 11.4 which will clarify the authority of the Director of the National Park Service to revoke permits for use of the present and previous symbols. The new National Park Service symbol is being prescribed as the official insignia of that Service by notice published in the same issue of the FEDERAL REGISTER in which this amendment to Part 11 of the regulations appears.

It is the policy of the Department of the Interior, whenever practicable to afford the public an opportunity to participate in the rulemaking process. However, since there is to be no substantive change in these regulations, other than the inclusion of an additional symbol, it is not deemed necessary, or in the public interest, to request public comment on the amendments. Therefore, these amendments will become effective on the date of their publication in the FEDERAL REGISTER.

(5 U.S.C. 553)

Section 11.1 is amended by revising paragraphs (a), (c), and (d), and §§ 11.2, 11.3, 11.4, and 11.5 are revised to read as follows:

§ 11.1 Definitions.

(a) The term "Arrowhead Symbol" relates to the earlier insignia of the National Park Service depicted in the official notice thereof which was authorized and approved on March 7, 1962, and published in the FEDERAL REGISTER (27 F.R. 2486). The official notice prescribing the "National Park Service Symbol," published in the same issue of the FEDERAL REGISTER in which this amendment to Part 11 appears, provides that the "Arrowhead Symbol" will continue in use by the National Park Service in certain circumstances for an indeterminate period.

* * * * *

(c) The term "commerical use" as used in the regulations of this part refers to use of the "Arrowhead Symbol" or the "National Park Service Symbol" on souvenirs or other items of merchandise presented for sale to the public by private enterprise operating either within or outside of areas of the National Park System.

(d) The Term "noncommercial use" as used in the regulations of this part refers to nongovernmental use of the "Arrowhead Symbol" or the "National Park Service Symbol" other than that described in paragraph (c) of this section.

§ 11.2 Noncommercial use.

The Director may permit the reproduction, manufacture, sale, and use of the "Arrowhead Symbol" or the "National Park Service Symbol" for noncommercial purposes with or without charge under such conditions as will contribute to purposes of education and conservation as they relate to the program of the National Park Service. All other noncommercial use is prohibited.

§ 11.3 Commercial use.

The manufacture, reproduction or use of the "Arrowhead Symbol" or the "National Park Service Symbol" for commercial purposes is prohibited.

§ 11.4 Power to revoke.

Permission granted under this part by the Director may be rescinded by him at any time upon a finding that the use of the symbol or symbols involved is injurious to their integrity or inconsistent with the purposes of the National Park Service in the field of conservation and recreation, or for disregard of any limitations or terms contained in the permits.

§ 11.5 Penalties.

Whoever manufactures, sells or uses the "Arrowhead Symbol" or the "National Park Service Symbol" in violation of the regulations of this part shall be subject to the penalties prescribed in section 701 of title 18 of the United States Code.

Dated: October 10, 1968.

DAVID S. BLACK,
Under Secretary of the Interior.

[F.R. Doc. 68–12804; Filed, Oct. 21, 1968; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4535]

[Montana 072057]

MONTANA

Withdrawal for Protection of Libby Dam Project; Partial Revocation of Public Land Order No. 4484

By virtue of the authority vested in the President and pursuant to Executive

Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, for the protection of facilities of the Libby Dam Project:

KOOTENAI NATIONAL FOREST

MONTANA PRINCIPAL MERIDIAN

T. 32 N., R. 29 W.,
Sec. 26, SE¼NE¼, N½NE¼SE¼, E½SW¼SE¼, and S½SE¼SE¼;
Sec. 27, lots 1, 2, 5, and 6, E½NW¼NE¼, SW¼NW¼NE¼, SE¼NW¼, and E½SW¼;
Sec. 28, SE¼NE¼ and E½SE¼;
Sec. 34, lots 2, 6, and 7, E½NW¼, SW¼NW¼, W½NW¼NW¼, E½E½NW¼NW¼, W½SW¼, and E½SE¼;
Sec. 35, E½.

T. 33 N., R. 28 W.,
Sec. 27, lots 1 to 5, inclusive, W½NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 28, N½NE¼, N½S½NE¼, E½SE¼SW¼NE¼, S½SE¼NE¼, N½NE¼SE¼, N½S½NE¼SE¼, SW¼SW¼NE¼SE¼, E½NE¼NW¼SE¼, SE¼NW¼SE¼, and lot 2;
Sec. 29, lot 6, N½NE¼NE¼NE¼, W½NW¼NW¼, SW¼NW¼, W½NW¼SE¼NW¼, SW¼SE¼NW¼, SW¼, and SW¼SE¼;
Sec. 30, N½N½ and S½NE¼;
Sec. 32, N½NE¼ and SE¼NE¼;
Sec. 33, lots 2, 3, and 7, SW¼NW¼, SW¼, and SW¼SE¼;
Sec. 34, W½E½, NE¼SW¼NW¼, SE¼NW¼, and E½SW¼.

T. 34 N., R. 29 W.,
Sec. 35, lot 6, W½E½, E½E½SW¼, E½W½NE¼SW¼, E½NW¼SE¼SW¼, and NE¼SW¼SE¼SW¼.

2. Public Land Order No. 4484 of July 15, 1968, withdrawing lands for protection of facilities of the Libby Dam Project, is hereby revoked so far as it affects the following described lands:

KOOTENAI NATIONAL FOREST

MONTANA PRINCIPAL MERIDIAN

T. 33 N., R. 28 W.,
Sec. 26, SE¼NE¼, N½NE¼SE¼, E½SW¼SE¼, and S½SE¼SE¼;
Sec. 27, lots 1, 2, 5, 6, E½NW¼NE¼, SW¼NW¼NE¼, SE¼NW¼, and E½SW¼;
Sec. 28, SE¼NE¼, and E½SE¼;
Sec. 34, lots 2, 6, 7, E½NW¼, SW¼NW¼, W½NW¼NW¼, E½E½NW¼NW¼, W½SW¼, and E½SE¼;
Sec. 35, E½.

T. 34 N., R. 29 W.,
Sec. 27, lots 1 to 5, inclusive, W½NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 28, N½NE¼, N½S½NE¼, E½SE¼SW¼NE¼, S½SE¼NE¼, N½NE¼SE¼, N½S½NE¼SE¼, SW¼SW¼NE¼SE¼, E½NE¼NW¼SE¼, SE¼NW¼SE¼, and lot 2;
Sec. 29, lot 6, N½NE¼NE¼NE¼, W½NW¼NW¼, SW¼NW¼, W½NW¼SE¼NW¼, SW¼SE¼NW¼, SW¼, and SW¼SE¼;
Sec. 30, N½N½ and S½NE¼;
Sec. 32, N½NE¼ and SE¼NE¼;
Sec. 33, lots 2, 3, and 7, SW¼NW¼, SW¼, and SW¼SE¼;
Sec. 34, W½E½, NE¼SW¼NW¼, SE¼NW¼, and E½SW¼.

T. 32 N., R. 29 W.,
Sec. 35, lot 6, W½E½, E½E½SW¼, E½W½NE¼SW¼, E½NW¼SE¼SW¼, and NE¼SW¼SE¼SW¼.

3. The withdrawal made by paragraph 1 of this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws, nor does it alter the jurisdiction of the Secretary of Agriculture over the lands for purposes other than construction, operation and maintenance of the Libby Dam Project. The terms and conditions for utilization of the lands for the construction and maintenance of the Libby Dam Project facilities by the Corps of Engineers will be governed by the Memorandum of Agreement entered into by the Department of Agriculture and the Department of the Army, dated August 13, 1964, as may be amended or supplemented.

4. At 10 a.m. on November 21, 1968, the lands described in paragraph 2 of this order shall be subject to such forms of disposition as may by law be made of national forest lands, subject to valid existing rights and to the provisions of existing withdrawals.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

OCTOBER 16, 1968.

[F.R. Doc. 68-12787; Filed, Oct. 21, 1968; 8:46 a.m.]

[Public Land Order 4536]

[Colorado 3984]

COLORADO

Withdrawal for Atomic Energy Commission Project Bronco

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, and from leasing under the mineral leasing laws, and reserved under the jurisdiction of the Atomic Energy Commission as an experimental area:

SIXTH PRINCIPAL MERIDIAN

T. 1 N., R. 98 W.,
Sec. 14, SW¼;
Sec. 15, SE¼;
Sec. 22, NE¼;
Sec. 23, NW¼.

The areas described aggregate 640 acres in Rio Blanco County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining and mineral leasing laws. However, leases, licenses or permits will be issued only if the Atomic Energy Commission finds that the proposed use of the lands will not interfere with the proper operation of its facilities on the lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

OCTOBER 16, 1968.

[F.R. Doc. 68-12788; Filed, Oct. 21, 1968; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Kenai National Wildlife Refuge, Alaska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations, public access, use and recreation; for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

The use of lightweight, motorized vehicles commonly identified by the general term "snow-traveler" is permitted on areas of the Kenai National Moose Range that are closed to travel by conventional vehicles, subject to the following special conditions:

1. The use of "snow-travelers" will be permitted only during the period December 1, 1968, through March 31, 1969, provided snow depth is sufficient to protect underlying vegetation and terrain along the route of travel.

2. Only "snow-travelers" with an overall width of 46 inches or less will be permitted.

3. The use of "snow-travelers" as an aid in big-game hunting or for transporting big game is prohibited.

"Snow-travelers" are excepted from the above special regulations when used on roads within the Range open to conventional vehicle travel. When used on such roads, "snow-travelers" are subject to regulations applicable to conventional vehicles.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through March 31, 1969.

JOHN D. FINDLAY,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 11, 1968.

[F.R. Doc. 68-12819; Filed, Oct. 21, 1968; 8:49 a.m.]

PART 32—HUNTING

Monte Vista National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

The public hunting of pheasants on the Monte Vista National Wildlife Refuge, Colo., is permitted only on the area designated by signs as open to hunting. This open area, comprising 5,314 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants subject to the following special conditions:

(1) The pheasant hunting season on the refuge extends from November 16 through November 24, 1968, inclusive.

(2) Dogs—Not to exceed two dogs per hunter may be used in the hunting of pheasants.

(3) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

(4) Hunting with rifles and hand guns is prohibited. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 24, 1968.

CHARLES R. BRYANT,
Refuge Manager, Monte Vista National Wildlife Refuge, Monte Vista, Colo.

OCTOBER 9, 1968.

[F.R. Doc. 68-12786; Filed, Oct. 21, 1968; 8:46 a.m.]

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of pheasants and bobwhite quail on the Crab Orchard National Wildlife Refuge, Ill., is permitted from November 16, 1968, through December 31, 1968; the hunting of rabbits is permitted from November 16, 1968, through January 31, 1969, and the hunting of raccoons, opossums, skunks, and weasels is permitted from November 1, 1968, to January 31, 1969, but only on the area designated by signs as open to hunting. This open area, comprising 9,380 acres is delineated on a map available at the refuge headquarters, Carterville, Ill., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1969.

L. A. MEHRHOFF, Jr.,
Project Manager, Crab Orchard National Wildlife Refuge, Carterville, Ill.

OCTOBER 15, 1968.

[F.R. Doc. 68-12811; Filed, Oct. 21, 1968; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Department of Transportation

PART 290—GENERAL

Accident Reports

The primary purpose of this amendment is to reflect the change in location of several regional offices where accident reports must be filed, as required by §290.40 of the Motor Carrier Safety Regulations. The amendment reflects the following changes: (1) From New York, N.Y., to Delmar, N.Y.; (2) from Columbus, Ohio, to Baltimore, Md.; and (3) from Chicago, Ill., to Homewood, Ill. Further, it eliminates reference to §295.9, *Hours of service reports* which was revoked December 14, 1967 (32 F.R. 17892).

The revisions made hereby are procedural only and are not intended to create, alter or revoke preexisting substantive rights and duties. Accordingly, notice of proposed rule making is deemed unnecessary and these amendments are effective immediately upon publication in the FEDERAL REGISTER.

This amendment is issued pursuant to the authority delegated in section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), section 6 of the Department of Transportation Act (49 U.S.C. 1955) and delegation of the authority dated April 5, 1967 (32 F.R. 5606).

§ 290.40 Accident reports.

Where filed: Motor carriers shall file reports required by §§ 294.5, 294.7, and 294.9 of this subchapter by serving or mailing by first-class mail to the Regional Federal Highway Administrator, Federal Highway Administration, for the region in which such carrier has his or its principal place of business as shown in the following table:

Region No.	Territory included	Location of regional office
1	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. That part of Canada east of Highways 19 and 8 from Port Burwell to Goderich, thence a straight line running north through Tohermory and Sudhury and thence due north to the Canadian border.	4 Normanskill Boulevard, Delmar, N.Y. 12054.
2	Delaware, District of Columbia, Maryland, Ohio, Pennsylvania, Virginia, and West Virginia.	31 Hopkins Plaza, Baltimore, Md. 21201.
3	Alahama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.	1720 Peachtree Road NW., Atlanta, Ga. 30309.
4	Illinois, Indiana, Kentucky, Michigan, and Wisconsin. That part of Canada on the west of Highways 19 and 8 from Port Burwell to Goderich, thence a straight line running north through Tohermory and Sudhury and thence due north to the Canadian horder; and on the east of Highway 11 from Nipigon to Macdiarmid and thence a straight line due north to the Canadian border.	18209 South Dixie Highway, Homewood, Ill. 60430.
5	Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. That part of Canada west of Highway 11 from Nipigon to Macdiarmid and thence a straight line due north to the Canadian horder; and on and east of Highway 6 from Regway to Melfort and thence a straight line due north to the Canadian horder.	Post Office Box 15177, Civic Center Station, Kanass City, Mo. 64106.
6	Arkansas, Louisiana, Oklahoma, and Texas. All Mexican States except the State of Chihuahua, Baja, California, and Sonora, Mexico.	819 Taylor St., Fort Worth, Tex. 76102.
7	Arizona, California, and Nevada. Baja, California and Sonora, Mexico.	450 Golden Gate Ave., San Francisco, Calif. 94102.
8	Idaho, Montana, Oregon, Washington, and Alaska. That part of Canada west of Highway 6 from Regway to Melfort and thence a straight line due north to the Canadian horder, and all of the Provinces of Alberta and British Columhia.	222 Southwest Morrison St.; Portland, Oreg. 97204.
9	Colorado, New Mexico, Utah, and Wyoming, State of Chihuahua, Mexico.	Room 242, Building 40, Denver Federal Center, Denver, Colo. 80225.

Issued in Washington, D.C., on October 10, 1968.

JOHN R. JAMIESON,
Deputy Federal Highway Administrator.

[F.R. Doc. 68-12814; Filed, Oct. 21, 1968; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 967]

[Docket No. AO–354–A1]

CELERY GROWN IN FLORIDA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed amendment of Marketing Agreement No. 149 and Order No. 967 (7 CFR Part 967) hereinafter referred to collectively as the "order," regulating the handling of celery grown in Florida. This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, Department of Agriculture, Room 112, Washington, D.C. 20250, not later than the close of business of the tenth day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order was formulated, was held in Orlando, Fla., June 27–28, 1968, pursuant to notice thereof published in the June 19, 1968, issue of the FEDERAL REGISTER (33 F.R. 9024). The notice set forth proposed amendments to the order which were submitted, with a request for a hearing thereon, by the Florida Celery Committee, the administrative agency established pursuant to the order.

Material issues. The material issues presented on the record of hearing are as follows:

(1) The need for amending the order;

(2) The inclusion of additional terms and definitions thereof as necessary and incidental to the declared objectives of the act;

(3) The addition of authority for limiting the grade, size, quality, maturity, containers and packs of celery which may be handled;

(4) The addition of authority for limiting the total volume of celery during any Flow-to-Market period with provisions for alloting the amount of celery each handler may handle under uniform rules for equitable apportionment of such quantities among producers;

(5) The addition of authority for establishing holidays by limiting the handling of harvested celery during a specified period or periods;

(6) The addition of authority, when parity prices have been established for establishing and maintaining minimum standards of quality and maturity;

(7) The addition of authority for special regulations applicable to the handling of celery for specified purposes under special regulations;

(8) The addition of authority for inspection, certificatiin and labeling;

(9) The addition of authority for marketing research and development projects including any form of paid advertising; and

(10) Conforming changes.

Findings and conclusions. Findings and conclusions on the material issues, all of which are based upon evidence presented at the hearing and the record thereof, are as follows:

(1) The order became effective November 15, 1965, following a public hearing and a favorable vote by 98 percent of the producers voting in the referendum. After 3 years of operating this annual marketing allotment program, the committee requested amendment proceedings to include a number of additional provisions.

Prior to 1961 growers made individual decisions concerning the volume, quality, timing, and all other factors involved in the growing and marketing of their celery. This frequently resulted in the production and marketing of excess supplies of celery, both annually and during particular periods within the season. This resulted in excessive investments in land, capital, supplies, and expensive celery machinery such as harvesters far in excess of total need. It was also necessary to have excessive packing facilities, precoolers, refrigerated rail cars, trucks, and terminal market facilities to handle a volume of celery substantially greater than the market could absorb. Too often, celery which had received such expensive investment in growing, handling and marketing had to be dumped at the terminal market. This resulted in cutthroat competition and extremely low prices detrimental to the producer and handler as well as to the economy of the State and the celery producing communities.

Record evidence clearly shows the need for the amendments to assist and maintain the orderly marketing of celery. The record shows seasonal average prices per crate of $1.51, $1.78, and $1.80 respectively for the last three seasons before any marketing order program was in effect, compared with $3.55 to $2.19 for the seven seasons when a program was in effect. The 1961 program, a State marketing order, contained provisions for grade, size, quality, annual allotments, Flow-to-Market and holiday regulations. It also authorized promotion projects.

Celery, one of Florida's more important vegetable crops, has been a source of agricultural income ranging from $7.2 to $25.2 million in annual farm value during the last 26 years.

The low end of this wide variation of income resulted from excessive and undesirable supplies of celery on the market. Variation in annual supply was accompanied by inverse price relationships, with returns during a number of such years being less than production costs.

Such wide variation in values at shipping point for Florida celery affects producers' returns directly. Exhibit No. 18 by Dr. Brooke shows returns for three of the four distinguishable celery growing regions of Florida. Everglades producers had net returns ranging from 2 cents per crate in 1955–56 to 57 cents per crate in 1954–55. Sarasota growers had net returns ranging from 67 cents per crate in 1954–55 to a minus 66 cents per crate in 1952–53, with losses in four of the seven seasons—1950–51 through 1956–57. In the Central Florida area, Sanford growers also suffered losses in four of those seven seasons, Oviedo growers had losses in two of those seasons and Zellwood growers showed losses in three seasons and profits in two. Figures were not compiled for the North Florida area, consisting of a relatively small muckland area in Alachua County.

Grower losses in the decade prior to 1961 forced a relatively large proportion of celery growers out of the industry. Some celery growers became insolvent. The orderly exchange of celery was disrupted and the purchasing power of Florida celery growers was impaired.

Labor requirements for producing, harvesting and marketing celery are substantial. For 1966–67 total growing costs ranged from $620 to $1,100 per acre, with 31 to 35 percent representing production labor costs. Fertilizer costs, within the above figure, ranged from $104 in the Everglades to $162 per acre in the West Coast area. Similarly, cost of insect and disease control program ranged from $71 to $148 per acre.

Harvesting costs in 1966–67 ranged from $848 to $1,116 per acre, with 40 percent of this amount being paid to labor. Harvesters, commonly referred to as "mule trains", cost over $15,000 each and require a crew of about 60 people.

Generally the producer finances such production and harvesting costs with borrowed capital. Producers' assets are affected by the returns received from celery. Also affected are the local and national credit structures related to the production and marketing structure for

celery. Labor is directly affected by the marketing conditions associated with Florida celery. Related industries, such as credit agencies, manufacturers and dealers in fertilizer, insecticide, machinery, packaging, etc., are also directly affected by marketing conditions for this commodity.

The record indicates the operation of Flow-to-Market, grade and size and other regulatory authority under State law in conjunction with the Federal order has been a tremendous benefit to the industry, to servicing agencies and the consumers. It has been providing the means to tailor the flow of celery to market more accurately according to time periods within the total marketing season, to further reduce the economic waste which otherwise would result and did exist prior to 1961. Since 1961 when the State marketing order became effective, the average for total annual value has been $21 million compared with $13 million during the 7 preceding years, while production during the same period has averaged 4.5 million hundredweight compared with 3.9 million hundredweight.

Knowledgeable members of the industry testified they simply cannot afford to go back to the high risks and financial losses encountered prior to the initiation of orderly marketing conditions under marketing order programs. Unregulated marketing and long periods of disastrously low prices resulted in extreme financial losses to numerous growers, as well as shipping organizations.

However, since the constitutionality of the State enabling law for celery and sweet corn is now in question, the proponents testified the order should be amended to include those provisions contained in the State celery order to assure the continuation of the orderly marketing conditions that have been realized. It would also improve the administrative efficiency with the entire program being administered under one law.

The celery industry in Florida has derived substantial benefits since the effectuation of the State order in 1961, and even greater benefits since the present Federal order was issued in 1965. Such benefits have also been very meaningful to the consumer since he has enjoyed a consistent flow of high quality celery at a reasonable price during the period. It is unlikely that such benefits could have been secured had there not been market controls available. It is not possible to distinguish those benefits derived by virtue of the State order from those resulting from the Federal order. Rather, it is found that the resultant benefits from the concurrent operation of both orders in conjunction with each other have been extremely important to the protection and improvement of the celery industry in Florida. Therefore, it is important that those provisions contained in the State order be incorporated into this order so as nearly as possible to continue the proper regulation of the industry which has been effectuated in the last few years. The effectuation of the recommended amendments contained herein will achieve this purpose as nearly as is possible while still being consistent with the Act.

(2) The definition of "grade" and "size" should be included in the order. Such authority was contained in the State celery order and was a desirable control which should be continued. "Grade" and "size" should be defined as any one or more of the established grades and count set forth in (a) "U.S. Standards for Celery" (§§ 51.560 to 51.588, inclusive of this title) issued by the U.S. Department of Agriculture, effective April 7, 1959, or (b) "U.S. Consumer Standards for Celery Stalks" (§§ 51.595 to 51.613, inclusive of this title) issued by the U.S. Department of Agriculture, effective March 27, 1949, or (c) amendments to any grades or sizes (count) set forth in either of such standards, or modifications thereof, or variations based thereon. Such definition would provide the flexibility necessary to cope with the possible variations in celery due to detrimental effects of weather or other possible hazards affecting the crop. The U.S. Standards have been and are being used by the Florida celery industry so its adoption would cause no disruption of customary packing and sales operations. Such standards, therefore, provide appropriate bases for describing grade and size limitations.

"Farm operation" should be defined in the order to provide for special cases not adequately covered by the term "producer". "Farm operation" should mean the production of celery for one or more holders of a Marketable Allotment by a single farming entity under contract or other arrangement. The Flow-to-Market allotment provision, authorized by section 608c(6)(B) of the act, is based upon the current quantities available for sale by each producer. Therefore, it is necessary to have pertinent information from each holder of a Marketable Allotment who is involved in a farm operation so that the Secretary can, as required by the act, properly allot to each producer upon the current quantities available for sale by such producers.

Without this definition, a producing unit which per se may not be the holder of a Marketable Allotment, but which had entered into a contract or other arrangement for the production of celery to be handled by or on behalf of one or more holders of Marketable Allotments would not need to give to the committee full particulars on the proprietary capacities of the individual producers involved when the committee requires reports pursuant to § 967.40(b)(1)(vi)(a) of the order. The committee needs such detailed reports for each holder of a Marketable Allotment so as to properly administer the Flow-to-Market regulation. Without the "farm operation" definition it would not be able to do so.

"Flow-to-Market period" should be defined to clearly differentiate it from the annual period—"marketing year," "fiscal year," or "season." The term "Flow-to-Market period" should mean any period of one or more days which the committee may recommend and the Secretary may approve for the purpose of Flow-to-Market regulations. During such periods it is contemplated that handling may be limited to specific quantities approved by the Secretary on the basis of committee recommendations and other considerations. It is a term the industry readily understands, having used it for 7 years.

Record evidence indicates the committee should have flexibility in recommendations for the beginning and ending of such a period. By having a flexible period the industry can better match marketing supplies with marketing needs.

(3) The declared policy of the act is to establish and maintain such orderly marketing conditions for celery, among other commodities, as will tend to establish parity prices to growers and be in the public interest. The regulation of the handling of celery, as authorized in the proposed amended order, provides a means for carrying out such policy.

In order to facilitate the operation of the program, the committee should prepare and adopt a marketing policy regarding the Marketable Quantity of celery for the season not later than June 15 of each year. Prior to November 1, of each year, the committee shall review such marketing policy and make revisions when changes in conditions are sufficient to warrant modification of such policy.

The committee shall also prepare and adopt a marketing policy regarding other than Marketable Quantity regulations prior to or at the same time initial recommendations in any season are made pursuant to proposed § 967.40.

Reports of such policies should be submitted to the Secretary and made available to growers and handlers of celery. The policies so established would serve to inform the Secretary and persons in the industry, in advance of the marketing of the crop, of the committee's plans for regulation and the basis therefor. Handlers and growers could then plan their operations in accordance therewith. The policy also should be useful to the committee and the Secretary when specific regulatory action is being considered, since it would provide basic information necessary to the evaluation of such regulation.

In preparing its marketing policy, the committee should give consideration to the supply and demand factors, hereinafter set forth in the amended order, affecting marketing conditions for celery since consideration of such factors is essential to the development of an economically sound and practical marketing policy.

The committee should have authority to make supplementary marketing policy statements when the situation warrants. A report of each revised marketing policy should be submitted to the Secretary and made available to producers, handlers and other interested persons by bulletins or other appropriate means.

The committee should, as the local administrative agency under the order, be authorized to recommend such grade, size, quality, pack, container, inspection, holiday, and Flow-to-Market regulations,

as well as any other regulations and amendments thereto authorized by the order, as will tend to effectuate the declared policy of the act. It is essential to successful operation of the order that the committee should have such responsibility. The Secretary should look to the committee, as the agency most aware of the needs of the industry, for its views and recommendations for promoting more orderly marketing conditions and increased growers' returns for celery. The committee should, therefore, have authority to recommend such regulations as are authorized by the amended order whenever such regulation will, in the judgment of the committee, tend to promote more orderly marketing conditions and effectuate the declared policy of the act.

When conditions change so that the then current regulations do not appear to the committee to be carrying out the declared policy of the act, the committee should have the authority to recommend such amendment, modification, suspension, or termination of such regulations as the situation warrants.

The order should authorize the Secretary, on the basis of committee recommendations or other available information, to issue various grade, size, quality, pack, container, inspection, holiday, Flow-to-Market and other appropriate regulations which tend to improve growers' returns and to establish more orderly marketing conditions for celery. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing such regulations, or amendments or modifications thereof, as may be necessary to effectuate the declared policy of the act. Also, when he determines that any regulation does not tend to effectuate such policy he should have authority to suspend or terminate the regulation, in accordance with the requirements of the act.

The grade, size, and quality of celery which are shipped at any particular time have a direct effect on returns to growers. The poorer grades and less desirable sizes of celery marketed return lower prices than do better grades and preferred sizes. A restriction, under the order, of the shipment of celery of lower grade should result in higher returns for the better grades marketed by eliminating the price depressing effect of the poor quality celery.

Handlers sometimes have shipped in fresh market channels celery of low quality and of undesirable sizes. Such celery may be sold only at discount, and the returns from such sales often do not cover the cash costs of harvesting and marketing. In addition, such sales have tended to depress the price for the entire crop, for particular time periods below the level which otherwise would have existed if only celery of preferred grade, size and quality, considering the supply and demand conditions for such crop had been available in the markets.

The demand for particular grades, sizes, and qualities of celery varies depending upon the volume of supplies available, the grade, size, and quality composition of such supplies, the availability of competing commodities, and other factors such as the trend and level of consumer income. The supply conditions for celery are subject to substantial changes during a particular season as the result of weather conditions affecting the volume and quality of the crop.

The grade, size, and quality composition of the celery crop and the volume of the available supply for the season as a whole and for any particular period during the season are important factors which must be considered in establishing regulations. There is generally a sufficient volume of celery harvested in the production area and available for shipment in fresh market outlets so that the market demands could generally be met without shipment of the less desirable grades, sizes, and quality celery to such market outlets. The shipment of poor quality celery has resulted in dissatisfaction of consumers; and such consumer dissatisfaction has been reflected in reduced demand and lowered returns to all growers. Therefore, the order should provide for the establishment by the Secretary of regulations by grade, size, and quality, or combinations thereof, based upon limitations recommended by the committee or other available information; and such regulations should cover such period or periods as he determines are warranted by the anticipated supply and demand conditions. In making its recommendations for such regulations, the committee should consider the heretofore enumerated supply and demand factors. The committee, because of the knowledge and experience of its members, and its broad representation of the entire industry will be well qualified to evaluate such factors and to develop economically sound and practical recommendations for regulations. They will also be well qualified to advise the Secretary with respect to the supply and demand conditions under which the celery crop will be marketed.

Several varieties or strains of celery are grown in the production area. Among the more popular varieties are Utah 2–13, 686, Florimart and 5270. These have distinctive varietal characteristics which can readily be recognized and are known throughout the production area. Also breeding programs are being carried on to develop improved varieties which may replace the present ones just as these replacd the Golden variety.

Therefore, because of the differences which exist or may exist in the future, the application of identical grade, size, quality or pack regulations to all celery may be unnecessarily restrictive for some varieties, it is concluded that the order should provide authority for issuance of different regulations for different varieties.

In recognition of existing or potential factors that may affect the production and marketing of celery in any portion of the production area, the order should provide authority for the committee to recommend and the Secretary to issue regulations for any or all portions of the production area when the situation so warrants.

Unusual weather conditions may arise during a crop year in one portion of the production area. For example Sanford celery might be frozen in the field while in Sarasota and the Everglades areas there might be no damage whatsoever. This possibility is also particularly true with damage from hail, wind, and violent rain storms. Hazards of these natures are obviously beyond the control or reasonable expectation of the celery growers in such localities. Because of these circumstances, and to provide equity among producers and handlers the committee should have authority to recommend, and the Secretary to issue different regulations to accommodate any such differences in the crop arising out of actions beyond human control. It is contemplated, however, that any such relaxation for a portion of the production area in those circumstances will still require that the celery handled will be the better quality still available in the affected area.

Since there is a definite market preference by region of distribution for certain grades and sizes (count) of celery, it is important that the order authorize different regulations for different markets. For example, the south normally prefers the smaller sizes of celery and the east prefers larger sizes. This authority will provide the flexibility and workability needed.

It is important that the order provide authority for the committee to recommend and the Secretary to fix the size, weight, capacity, dimensions, or pack of the containers which may be used in the packaging or handling of celery.

The predominant container for celery stalks is the wirebound crate (No. 3601). However, one-half and two-thirds cartons are used on occasion. Containers used for celery hearts may be crates or cartons with dimensions approximately as follows: (1) One dozen hearts, 8¼ x 11 x 15 inches, (2) 2 dozen, 8 x 11 x 16½ to 9 x 11½ x 16 inches.

The committee should have this authority to recommend the elimination of any containers which introduce an element of competition that adversely affects prices or tends to promote disorderly marketing of celery. It is not intended to preclude the development of new containers.

Although the container situation presents no basic problem at the present time, it is contemplated that new containers, particularly smaller containers which resemble the present ones but which contain less celery may be deceptively used to obtain a price advantage in the market place. The use of such containers, the dimensions of which vary so slightly from other containers that customers do not realize the apparent price advantage for a seemingly identical container merely reflects the smaller quantity of celery and results in disorderly marketing conditions.

Numerous sizes of containers are presently in use. It is possible that many other containers, especially consumer-type ones, may be added in the future. Such a proliferation of containers is

undesirable from the buyers' viewpoint as well as the handlers' and growers'. Standardization of containers to those most suitable for the packing and handling of celery, and prescribing the use of containers of sizes and capacities which can readily be distinguished from each other, would tend to establish more orderly marketing conditions and increase growers' returns.

The exercise of this authority, however, should not be used to close the door on experimenting with new containers more suitable for celery, or ones needed due to changes in marketing practices or to preclude commercial development of new containers of different weights and capacities.

The order should contain authority for establishing and prescribing pack specifications for the grading, sizing, and packing of any celery as well as requiring that all celery handled be packed in accordance with such pack specification. Such packing would be desirable and would help build trade confidence in the quality of Florida celery.

The record indicates the order should contain authority for limiting in any or all portions of the production area, the handling of particular grades, sizes, qualities, or packs of any or all varieties of celery during any given period as specified in proposed § 960.40(b) (3) and (4). It also should contain authority for limiting the handling of particular grades, sizes, or packs of celery differently for different varieties; for different portions of the production area; for different markets; and for different containers for different purposes which are specified in proposed § 967.41. Such additional authority should also include limiting differently any combination of grades, sizes, qualities, packs, varieties for different portions of the production area or for different containers.

(4) The declared policy of the act is to establish and maintain such orderly marketing conditions for celery grown in the production area as will tend to establish parity prices for such celery. Variations in the quantity of celery marketed from Florida has a direct effect upon the total quantity of celery available for market and being marketed which, in turn, have a direct effect upon producers' celery prices.

The record shows that there generally tends to be an inverse relationship between volume of celery in Florida and the prices received by the producers. If the quantity increases, prices decline and if quantity decreases, prices increase. Celery has an inelastic demand and if supply is increased 1 percent there would tend to be a more than 1 percent decrease in price. When supplies are increased above market needs the result is usually a serious adverse effect on growers' prices. By reducing this supply slightly the celery industry could normally expect to enhance its total income, all other factors being equal. Market News Service reports for the 1967–68 Florida Celery crop show that generally reductions in total celery shipments for particular weeks are accompanied by increases in terminal market and shipping point price levels which, in turn, are reflected in increased prices to growers. Reports for prior years show a similar reaction. Increases in celery supplies are shown to bring about opposite price reactions.

Florida celery is marketed from late October to the following June or July of each season. Of the volume reported for the 1966–67 season, 47 percent was shipped in the months of March, April and May; 31 percent in January and February. Shipments in November (3 percent) and in June (8 percent) have been increasing in recent years, indicating an extension of the Florida marketing season. Florida celery shipments have a direct effect upon total celery supplies being marketed or available for market during its marketing season. Florida celery handlers maintain relatively constant communications with terminal markets and with other celery producing areas in their efforts to gauge total supplies and to calculate market price reactions.

Proponent's experience under the State celery order shows that regulating the quantity of celery shipped during short periods of time helps promote orderly marketing by preventing excessive, price-depressing supplies in terminal markets.

Handlers and terminal market buyers know through experience and observation that as shipments increase in any given time period supplies in all channels increase and prices decline. Terminal market buyers delay buying and pressure for sales increase at shipping point. Shipping point handlers increase the number of telephone calls to buyers to try to find outlets. This tends to build toward desperation sales. Carloads are rolled to terminals unsold, in the hopes of finding outlets as these unsold carloads are diverted from terminal to terminal. Frequently, this results in severe losses to growers, unsettled conditions and depressed prices in all terminals and losses to terminal market handlers on earlier purchases.

This type of disorderly marketing can best be corrected at shipping point through Flow-to-Market or shipping holiday types of regulation.

It is hereby found that an order regulating Florida celery whereby total quantity shipped could be limited, when supply-price relationships warrant, would help to promote orderly marketing and improve producer prices toward parity.

The order's terms and conditions should provide, it is concluded on facts found, authority for fixing the total quantity of celery which may be handled during any week or any other Flow-to-Market period or periods.

The Secretary, based upon the recommendations and information submitted by the committee or from other available information, should fix or limit the quantity of celery which may be handled during a specified Flow-to-Market period. Many variables enter into any judgment concerning the amount of celery that will satisfy the potential demand at a given time, therefore the committee should be empowered, at any time during a Flow-to-Market period to recommend to the Secretary an increase in the quantity of celery that may be handled if the situation warrants it. The record indicates the existence of means to insure an equitable and orderly flow of celery will reduce violent fluctuations in both supply and prices. An even flow of celery to terminal markets will tend to promote orderly marketing conditions by establishing buyers' confidence in market stability. The record shows such orderly marketing to be in the interests of producers and consumers. If producers receive adequate and stable farm prices they will keep marketing celery to assure ample supplies of this commodity to the consumer at stable prices.

The order should establish uniform rules for allotting the quantity which handlers may purchase from or handle on behalf of each producer based upon the current quantities available for sale by such producer to the end that the total quantity thereof to be purchased, or handled during any specified period shall be apportioned equitably among producers when the Secretary fixes the total quantity of celery which may be handled during a regulated Flow-to-Market period.

The proportion of the total quantity which may be so shipped by each handler should be determined by establishing as an allotment base for each handler, who has submitted a written report, the number of crates of celery by each producer which he will have available for handling during the ensuing Flow-to-Market period, accompanied by an application for his pro rata share. Each handler's equitable proportion shall be determined by multiplying the ratio between the total quantity of celery available for shipment by each applicant and the total quantity fixed by the Secretary to be shipped during that Flow-to-Market period times the amount he stated as having available. In the event a producer should change handlers after such report has been submitted, either before or during a Flow-to-Market period, it shall be the duty of the original handler and the new handler for such producer to notify the committee of such change and for the committee to adjust the quantities each handler may handle accordingly.

Regulation of the volume of Flow-to-Market period celery shipments through the methods provided for in the order, as authorized by the act, provides a reasonable and practical means for carrying out the policy of the act.

The terms and conditions of the order, it is concluded on facts found, should provide, uniform rules as required by the act, for equitable apportionment of handler's allotments of celery among producers thereof. The order should also authorize the development of supplemental rules thereto as needed, through ruling making procedures in accordance with § 967.30(b). Such uniform rules are found to be incidental to, and not inconsistent with, the other terms of the order

and necessary for administration of the order.

The committee should determine a uniform percentage pursuant to the uniform rule of dividing the total number of crates stated to be available for handling by all handlers into the total number of crates fixed by the Secretary for the specified Flow-to-Market period. The uniform percentage should be applied uniformly to the amount available for handling for each producer to determine the maximum number of crates that may be handled by or for him during that period.

The maximum number of crates which a handler may handle during the specific Flow-to-Market period should be the total number of crates which all producers listed within his harvest request are authorized to handle or have handled on their behalf. However, the amount to be handled under these regulations will be in addition to that quantity of harvested celery such handler has on hand at the commencement of the specified Flow-to-Market period. The quantity on hand will be that shown in required reports approved for committee use by the Secretary.

During any Flow-to-Market period for which the Secretary has fixed the total quantity of celery which may be handled, a handler should not exceed such allotment for the specific Flow-to-Market period; however, due to the difficulties of stopping harvest at an exact single crate, and to avoid violations due to minor overages, the rules and regulations should provide a method for a tolerance, such as 1 percent of the individual producer's prorate for the specific Flow-to-Market period or 200 crates, whichever is less. However, any such minor overage by an individual producer should be deducted from the allotment established for such producer during the next Flow-to-Market period during a season in which a regulation has been issued by the Secretary.

A quantity of celery a producer may handle or have handled on his behalf during a specific Flow-to-Market period must be within the unused portion of his annual Marketable Allotment pursuant to § 967.38.

The Committee, with the approval of the Secretary, should be empowered to establish supplemental rules to augment the uniform rules in the order in order that the allotments under Flow-to-Market will be apportioned equitably among the producers. Such augmentary rules may incorporate some of the aspects previously discussed, but they should not be limited to them as they should be flexible and designed to accomplish the declared policy of the Act.

The record indicates any producer who has a Base Quantity of 37,500 crates of celery or less should be exempt from being reduced by a Flow-to-Market restriction.

Such a class of producers frequently market their celery for a short period of time only during the season, while larger producers spread their marketing over most of the marketing season. A specific Flow-to-Market regulation could create an unreasonable hardship on such a producer. He may be in and out of the market before an opportunity arises to accrue any direct benefits, while the other growers, being in the market for a longer period of time, would derive benefits. Since this aspect, in theory as well as practice, could exist, and so as to give equal treatment to all producers and avoid any inequities, the order should provide that under Flow-to-Market procedures, until a producer has handled or had handled on his behalf more than 37,500 crates during the current season, he shall not be reduced by the Flow-to-Market regulations; however, he shall be limited to 100 percent of the harvest request filed by or for him for such Flow-to-Market period.

The overall mechanics for the Flow-to-Market regulations recommended have been tried under the State celery order and proved to be acceptable, understandable and workable by a majority of the industry.

One of the key aspects that should be authorized is the verification of compliance with allotments established and issued under Flow-to-Market regulations. It is important that during the entire season, as well as during the Flow-to-Market period for which such regulations are in effect, all acreages of celery shall be subject to field checking by the Committee to determine the compliance with such regulations. It is intended that the term "field checking" should include but not necessarily be limited to details on seedbeds, fields, and blocks planted, ownership of celery in such fields and blocks, varieties planted, acres and crates harvested from such fields, pack out, and any other details. Also, no transfers of Flow-to-Market allotments, unused or otherwise, should be permitted because to do so would defeat the purpose of the provision to prevent surplus supplies of celery in the market during short periods of time.

The information required, the checking procedures to be used, the methods needed in the determinations by the Committee, the notification procedures, the status of the proprietary capacity of any person or farm operation engaged in the production or handling of celery, as well as the means and methods to determine when and how allotments have been used, and that compliance with the allotments has been practiced, should be in accordance with the rules recommended by the Committee and approved by the Secretary.

(5) The proposed amendment would renumber the existing § 967.40 to § 967.60 and add a new § 967.40(b)(2) to provide authority to "establish total holidays by restricting the handling of harvested celery during a specified period or periods. The amount to be handled under these regulations will be that quantity of harvested celery a handler has on hand at the commencement of the holiday, as reflected in required reports approved for committee use by the Secretary."

Experienced handlers testified there are times during the season for Florida celery when more celery is packed and loaded into rail cars and trucks than can be sold. Such celery may be shipped as "rollers", i.e., cars in transit that have not been sold and which are usually consigned to the shipper. A heavy shipment of rollers for just a few days can glut the markets and depress prices for Florida celery. As a result, the market becomes demoralized and celery prices may drop below the cost of production, harvesting, and packing. For example, last December the midwest terminals experienced weather so cold that it was not only difficult to move celery from the warehouses to the stores without it freezing, but conditions were so unpleasant that there was little or no store traffic. So while a minimum of celery was being absorbed in the distribution system, ideal weather in Florida was causing a bumper crop of high quality celery which needed to be harvested. To prevent adding more celery to an already saturated distribution system with no immediate prospects for improvement, it was desirable for the industry to slow up harvest by calling cutting holidays. This gave terminals a chance to clean up and weather to improve when additional supplies could be fed into the market without disrupting the price structure.

When there is practically no demand or need for celery due to environmental situations such as frozen markets in the north, strikes, legal holidays, and transportation problems, slightly lower prices will not move the celery. Without some curtailment of harvesting there is little recovery from this condition. Conceivably this situation could arise even when a Flow-to-Market regulation was in effect. Thus it might become necessary to issue a "holiday" regulation as well. In these cases the industry needs to manage the supply for the benefit of not only the producer but the trade and the consumers as well.

A practicable approach, according to record evidence, would be the establishment of a "holiday" which would completely shut off the handling of harvested celery in the production area for a specified short period of time.

It is therefore concluded that the order be amended by renumbering the existing § 967.40 to § 967.60 and by adding § 967.40(b)(2) authorizing the establishment of "holidays".

(6) It is in the public interest not to cease all regulations when the season average price of celery exceeds parity. The committee should be authorized to recommend, and the Secretary to establish, such minimum standards of quality, in terms of grades and sizes, or both, containers, and such grading and inspection requirements, during any and all periods when the season average price for celery may be above parity, as will effectuate orderly marketing of celery such as preventing shipments of cull celery to consumers and insuring future celery production by insuring future markets for producers, as will be in the public interest. Some celery does not give consumer satisfaction regardless of the

price level. Celery harvested when overmature, damaged, diseased, or deteriorated celery are examples of the type that is wasteful and does not represent a value to the consumer and should not be shipped.

The shipment of such overmature celery or that lacking in the quality necessary to assure delivery in satisfactory condition could cause an adverse buyer reaction and tend to demoralize the market for later shipments of all celery. Such undesirable celery has been marketed in the past and undoubtedly would again be marketed in the absence of regulations when the season average price is above parity. Hence, the discontinuance of regulations during seasons or periods when the average price exceeds parity could adversely affect consumers and producers alike, and also result in dissipation of all benefits from prior operation of the program.

Adverse growing conditions and weather factors may cause some celery to develop abnormally, or so affect the quality that it would not be in the public interest to permit its shipment. Such developments depend on the conditions in the particular season. It is necessary, therefore, that the provisions of the order contain the flexibility needed to reflect such conditions. Hence, the specific minimum standards of quality that may be made applicable during a particular year, or portion thereof, should be established by the Secretary upon the basis of the recommendation of the committee or other available information made after review of the existing conditions that year.

(7) The Secretary should be authorized upon the basis of recommendations and information submitted by the committee to modify, suspend or terminate regulations with respect to the handling of celery for purposes other than for disposition in normal trade channels. Celery moving to or serving such outlets is usually handled in a different manner, or such outlets usually accept different grades, sizes, qualities, packs, and containers, or different prices are returned, or combinations of such considerations may apply. Such shipments usually do not have any appreciable effect on the marketing of the great bulk of celery handled in commercial markets. The order should provide authority for the committee to give appropriate consideration to the handling of celery for such purposes so that every opportunity may be taken to promote orderly marketing conditions for celery thereby tending to increase total returns to growers in the production area.

Such outlets would be for exports, for relief or charity, experimental purposes, or for other purposes which may become apparent in the future and which would be recommended by the committee and approved by the Secretary. Most shipments intended for relief or for charity are usually by the way of donation or due to some special consideration between the shipper and the receiver. Occasionally shipments are made to schools, hospitals, or other approved institutions and the committee should have authority to recommend waiving requirements in regard to these shipments in that they do not interfere with regular commercial movement. Shipments are sometimes made for experimental purposes. Many times shipments of celery are made in order to study improved varieties or improved shipping containers, or in order to develop new markets for celery. Since these studies are intended to benefit the industry as a whole, no particular purpose would be derived by the application of all the requirements of the marketing order program with respect to them.

Some export markets accept or prefer certain grades and particularly some sizes which normally are discounted for domestic markets. The order should provide for appropriate modification, suspension or termination of regulations with respect to movement of celery to export outlets so that these demands can be met and the sale of the celery grown in the production area will continue to such markets. Some overseas markets reflect distinctive demand for particular sizes of celery. The different preferences in export demand should be recognized under the order and authority provided for regulating accordingly.

Celery is not considered a volume canning or freezing crop. However, since the act specifies an exception for vegetables for canning or freezing, such statutory exception is recognized and provided for under the terms and conditions of the order.

Other outlets or special purposes may possibly arise which are not known at this time. If it is found that such outlets are not competitive with fresh market channels the committee may recommend and the Secretary may approve that such movement should be permitted without regard to other quality or quantity regulations.

The authority for modifying, suspending, or terminating grade, size, quality, assessment, or inspection regulations should be accompanied by additional administrative authority for the committee to recommend and the Secretary to prescribe adequate safeguards to prevent shipments for such purposes from entering market channels contrary to provisions of such special purpose regulations. The authority for the establishment of safeguards should also include such limitations or appropriate qualifications on shipments which are necessary and incidental for proper and efficient administration of the order.

(8) Provision should be made in the order requiring all celery handled, during any period when handling limitations issued pursuant to § 967.40(b) (3) through (6) are effective, to be inspected by the Federal or Federal-State Inspection Service and certified as meeting the requirements of the applicable regulation. Inspection and certification of all celery handled during periods of regulations are essential to the effective supervision of the regulations. Evidence of compliance with regulations issued under the program can be ascertained only through inspection and certification of all celery handled during the effective period of such regulation. As a handler of celery is the person responsible for compliance with such regulations, it is reasonable and necessary to require handlers to submit each lot of celery handled for inspection and certification and to file a copy of the certificate of inspection with the committee. It was testified that handlers are familiar with the Federal and the Federal-State Inspection Service and the certification of celery in the production area, and the use of such inspection agency under this program is desired by the industry.

Responsibility for obtaining inspection and certification should fall on each person who handles celery. In this way, not only will the handler who first ships or handles celery be required to obtain inspection and certification thereof, but also no subsequent handler may handle celery unless a properly issued inspection certificate, valid pursuant to the terms of the order and applicable regulations thereunder, applies to the shipment. Each handler must bear responsibility for determining that each of his shipments is so inspected and certified.

In instances where any lot of celery previously inspected is regraded, resorted, repackaged, or in any other way subjected to further preparation for market, such celery should be required to be inspected following such preparation and certified as meeting the requirements of the applicable regulations before such celery is handled, since the identity of the lot is lost in such preparation and the validity of the prior inspection certificate and the information shown thereon destroyed.

The order should provide authority for the committee to recommend and the Secretary to approve requirements that containers be labeled as to grade and size (count) when inspection requirements are in effect pursuant to $967.43. Such authority in the order is incidental to but not inconsistent with, and is necessary to effectuate its grade, size, and quality regulations. It would be vital and necessary to effectuate these and other provisions by assisting in attaining the purpose of the act.

When pack specifications are in effect, it is logical and proper that authority for labeling be included. Thus celery crates packed to specifications would be identified by affixing to the container appropriate labels, seals, stamps, or tags showing the particular pack specifications of the lot. This would help promote orderly marketing in that supermarket produce buyers and some consumers would know what they are purchasing and each quality or size would tend to sell on its own merits. The better quality and preferred sizes of celery would not be confused with the lower quality and less desirable sizes; thus a desirable price differential would tend to be maintained.

Such labeling and packing would also be desirable in any promotion program and would help build trade confidence in the quality of Florida celery.

When pack specifications and compulsory inspection are in effect, no unnecessary burden would be imposed on

handlers by labeling requirements since it is a normal current practice within the production area to affix appropriate labels. This authority would also facilitate the administration and enforcement of the order, especially to verify compliance with pack regulations.

It is concluded that the inspection, certification and labeling provisions, as hereinafter set forth, should be authorized in the order.

(9) The order should provide, as hereinafter set forth, authority for the committee, with the approval of the Secretary, to establish marketing research and development projects, including marketing promotion and paid advertising, designed to assist, improve, or promote the marketing, distribution, and consumption of celery.

This authority to engage in marketing research and promotion projects for celery is desirable so that the industry, through these activities, can help to promote orderly marketing. The committee wishes to take advantage of the November 1965, amendment to the act that authorizes orders applicable to certain designated commodities including celery to establish any form of marketing promotion including paid advertising.

Over the past two or three decades marketing has moved toward mass merchandizing through supermarket type of operations with centralized buying. The effect of this has been that the commodity must sell itself through appearance in the retail bins. Preselling to consumers through promotion and advertising to housewives plus instore displays, banners, and price cards have proven to be successful in encouraging sales.

Celery must compete directly with other salad items, such as lettuce, endive and escarole. It must also compete for shelf space and for advertising attention with a host of fresh and processed vegetables and fruits, many of which are nationally advertised and promoted. It would greatly strengthen the position of Florida celery if the industry could offer the retailer not only an attractive quality product at a reasonable price, but also one backed up with industry-financed advertising and promotion.

The record shows a decline in per capita consumption of celery of over 25 percent since 1946, reaching a low of 6.7 pounds in 1966. The industry needs to arrest or better yet, reverse this trend. The Florida celery industry has been a progressive one. It has in the last decade, completely changed over to new, more attractive Utah celery varieties. These varieties are suited to promotion, as outstanding celery can be produced which is competitive with any grown in the United States. Coupled with this attractive promotable product is the means to control its quality through the proposed amendment to the order to include authority for grade, size, quality, pack, and container regulation.

Market promotion, including paid advertising, has been engaged in by the celery industry for several years under a State of Florida marketing order. The overall promotion progam has been well received by the trade and has been considered successful and beneficial to the industry when evaluated by outside sources. The need exists to continue the program under the order.

The order should authorize any or all of the forms of promotion including paid advertising, that are permitted under the act.

If the committee determines that promotion or advertising should be undertaken, the cost of the program should be taken into account in budget development, both as to the additional items of expense and the assessment. In undertaking an advertising program the committee, to the extent practicable, should carefully plan and secure approval as far in advance as possible. To the extent practicable the plan should cover more than 1 year. Expenses of planning should be authorized on the basis of budgetary approval since planning and project development must precede project approval. Also, the order authorizes a financial reserve to be used for approved expenditures, under the order. Financial reserves should be available to cover costs of planning and such other costs of the promotional program as may be necessary and approved.

In formulating projects and objectives the committee should be authorized to secure the advice and services of persons or agencies knowledgeable in the promotional and advertising field. In the conduct of any promotional program the committee should be authorized to conduct promotional projects itself, or to contract for conduct of such projects with other agencies such as universities, State marketing agencies, Federal agencies, private agencies, or others qualified in this field.

To permit the Secretary to discharge his responsibility under the order the committee should be required to submit each such project to him for approval. In submitting such projects the committee should include recommendations as to the funds to be obtained from assessments under the order, recommendations as to any marketing research projects and recommendations as to promotional activity and paid advertising. Upon the conclusion of each program, but at least annually, the committee shall summarize and report on the program status and accomplishments, to its members and the Secretary. However, the Secretary should also have the right to request a report at any time. A similar report to the committee should be required of any contracting party on any paid advertising or major program. The committee should review its market research and development program annually to appraise its effectiveness. An annual report on the program should be made available to the industry and the Secretary.

(10) The Secretary shall make such changes as may be necessary for the entire marketing agreement and order to conform with any amendments thereto that may result from this amendment proceeding.

Recommended amendment of the marketing agreement and order. The following amendment of the marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out.

1. Section 967.16 is added as follows:

§ 967.16 Grade and size.

"Grade" means any of the established grades of celery and "size" means any of the established sizes of celery stalks per crate as defined and set forth in the U.S. Standards for Celery Stalks (§§ 51.595 inclusive of this title) or U.S. Consumer Standards for Celery Stalks (§§ 51.595 to 51.613, inclusive of this title), issued by the U.S. Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon, recommended by the committee and approved by the Secretary.

2. Section 967.17 is added as follows:

§ 967.17 Farm operation.

"Farm operation" means the production of celery for one or more holders of a Marketable Allotment by a single farming entity under contract or other arrangement.

3. Section 967.18 is added as follows:

§ 967.18 Flow-to-Market period.

"Flow-to-Market period" means any period or periods of one or more days which the committee may establish with the approval of the Secretary for the purposes of Flow-to-Market regulations.

§ 967.27 [Amended]

4. Section 967.27, paragraph (b) is revised by deleting subparagraph (1) and deleting "(2) For succeeding committees", in subparagraph (2).

5. Paragraph (c) of § 967.35 is deleted.

6. Section 967.35 is revised to read as follows:

§ 967.35 Marketing policy.

(a) The committee shall meet, consider and adopt a marketing policy for each season. Committee considerations shall include probable celery production within the production area and in competing areas, the grade, size, quality, and quantity of celery which should be made available to market during such season to meet market requirements and establish orderly marketing conditions, and other pertinent information. On the basis of these considerations the committe shall adopt a marketing policy for such season as follows:

(1) Annual Marketable Quantity—A meeting to adopt a policy regarding the annual Marketable Quantity of celery to be marketed shall be held not later than June 15 of each year. Prior to November 1 of each year, the committee shall review such marketing policy and as changes are indicated, the committee may adopt appropriate revision.

(2) Other regulations—Prior to or at the same time initial recommendations in any season are made pursuant to § 967.40(a) the committee shall prepare a marketing policy statement concerning the necessity for such regulations.

(b) Notice of and recommendations from, the initial marketing policy for a

marketing season or any later changes shall be submitted promptly to the Secretary and notice of such marketing policy shall be given to handlers, producers and other interested parties by bulletins or other appropriate media.

§§ 967.60–967.62 [Redesignated]

7. Sections 967.40 through 967.42 of the existing order are renumbered §§ 967.60 through 967.62 respectively.

OTHER REGULATIONS

8. Section 967.40 is added as follows:

§ 967.40 Issuance of other regulations.

(a) The Secretary may limit the handling of celery whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations would tend to effectuate the declared policy of the act.

(b) Such regulations may:

(1) Establish specific Flow-to-Market periods and limit the total quantity of celery which may be handled therein;

(i) The committee may recommend and the Secretary may issue such rules as are necessary to effectuate the Flow-to-Market procedures and regulations.

(ii) The committee may recommend to the Secretary and the Secretary may limit in conformity with paragraph (a) of this section the total quantity of celery which is deemed advisable to be handled during any specified Flow-to-Market period or periods.

(iii) In making its recommendations, the committee shall give due consideration to the following factors:

(*a*) Market prices for celery; (*b*) supply of celery on hand at shipping point, on track at, and en route to, the principal markets; (c) supply, maturity, and condition of celery in the production area; (*d*) market prices and supplies of celery from competitive producing areas, and supplies of other competitive vegetables; (*e*) trend and level in consumer income; and (*f*) other relevant factors as specified by the committee in its recommendation.

(iv) At any time during a Flow-to-Market period for which the Secretary has fixed the quantity of celery which may be handled, the committee may recommend to the Secretary that such quantity be increased for such period. Each such recommendation, together with the committee's reason for such recommendation, shall be submitted promptly to the Secretary.

(v) Whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of celery which may be handled during a specified Flow-to-Market period will tend to effectuate the declared policy of the Act, he shall fix such quantity. The quantity so fixed for any such period may be increased by the Secretary at any time during such period. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

(vi) (*a*) At the times specified by the committee, each handler of celery shall submit to the committee, on forms to be supplied by the committee, a report setting forth the number of crates each producer or farm operation will make available to him for handling during the applicable period; and in the case of a farm operation, shall specify the number of total crates available which are to be attributed to each holder of a Marketable Allotment who is involved in the farm operation so that each holder of a Marketable Allotment is treated as an individual producer for the purposes of the Flow-to-Market regulation.

(*b*) Such written request and report shall be submitted at such time and in such manner and contain such other information as the committee may recommend and the Secretary approve.

(*c*) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(vii) (*a*) Whenever the Secretary has fixed the total quantity of celery that may be handled during a regulated Flow-to-Market period, the committee shall compute under a uniform rule, for each producer entitled thereto, the quantity of celery which may be handled for or purchased from him by handlers during such period. The amount to be handled under these regulations will be in addition to that quantity of harvested celery a handler has on hand at the commencement of the specified Flow-to-Market period, as reflected in required reports approved for committee use by the Secretary.

(*b*) The percentage obtained by dividing the quantity of crates set by the Secretary for such Flow-to-Market period by the total crates stated to be available by all handlers for such period shall be applied uniformly to the amount available for handling for each producer to determine the maximum number of crates that may be handled by or for him during that period: *Provided,* That it is within his unused Marketable Allotment pursuant to § 967.38: *And provided further,* That until more than 37,500 crates of his production has been handled on his behalf during the current season, the handler thereof shall not have the number of crates he handles for or sells on behalf of such producer reduced by the Flow-to-Market regulation; however such handler shall be limited to 100 percent of that which was stated to be marketable in such Flow-to-Market period for that producer.

(*c*) For the purpose of determining compliance with Flow-to-Market limitations, a tolerance of 1 percent of an allotment holder's allowed Flow-to-Market quantity for such period or 200 crates, whichever is less, is permitted.

(viii) Verification of compliance with allotments: During any season or Flow-to-Market period for which allotment regulations are in effect, all acreage of celery included in applications for allotments shall be subject to field checking by the committee to determine compliance with allotments. Checking procedures, methods for establishing committee determinations, means for notifying handlers and other persons of the extent to which allotments have been used shall be in accordance with rules recommended by the committee and approved by the Secretary.

(2) Establish total holidays by limiting the handling of harvested celery during a specified period or periods. The amount to be handled under these regulations will be that quantity of harvested celery a handler has on hand at the commencement of the holiday, as reflected in required reports approved for committee use by the Secretary;

(3) Limit in any or all portions of the production area the handling of particular grades, sizes, qualities, containers, or packs or any combination thereof, of celery during any period; also, limit the handling of particular grades, sizes, or qualities, of celery differently, for different varieties, for different portions of the production area, for different markets, for different sizes and types of containers, or for any combination of the foregoing, during any period;

(4) Limit the handling of celery when parity prices have been reached by establishing and maintaining minimum standards of quality and maturity in terms of grades or sizes;

(5) Require uniform inspection, grading and certification of celery and proper labeling of containers for celery to show the grade or size, or both, thereof;

(6) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be handled.

(c) Regulations issued hereunder may be amended, modified, suspended, or terminated by the Secretary whenever it is determined:

(1) That such action is warranted upon recommendation of the committee or on the basis of other available information;

(2) That such action is essential to provide relief from inspection, or regulations under paragraph (b) of this section, for minimum quantities less than customary commercial transactions as recommended by the committee and approved by the Secretary; or

(3) That regulations issued hereunder no longer tend to effectuate the declared policy of the Act.

9. Section 967.41 is added as follows:

§ 967.41 Handling for special purposes.

Regulations in effect pursuant to § 967.38 or § 967.40 may be modified, suspended, or terminated to facilitate handling of celery for:

(a) Exports;

(b) Relief or charity;

(c) Experimental purposes; and

(d) Other purposes which may be recommended by the committee and approved by the Secretary.

10. Section 967.42 is added as follows:

§ 967.42 Safeguards.

The committee, with the approval of the Secretary, may establish through rules such requirements as may be necessary to insure that shipments made pursuant to § 967.41 were handled and used for the purpose stated.

INSPECTION

11. Section 967.43 is added as follows:

§ 967.43 Inspection and certification.

(a) Whenever the handling of celery is regulated pursuant to § 967.40(b) (3) through (5), or at other times when recommended by the committee and approved by the Secretary, no handler shall handle celery unless such celery is inspected by an authorized representative of the Federal or Federal-State Inspection Service and is covered by a valid inspection certificate, except when relieved from such requirements pursuant to § 967.40(c) or paragraph (b) of this section.

(b) Regrading, resorting, or repacking any lot of celery shall invalidate any prior inspection certificate insofar as the requirements of this section are concerned. No handler shall handle celery after it has been regraded, resorted, repacked or in any way additionally prepared for market, unless such celery is inspected by an authorized representative of the Federal or Federal-State Inspection Service. Such inspection requirements on regraded, resorted, or repacked celery may be modified, suspended, or terminated upon recommendation by the committee, and approval of the Secretary.

(c) Upon recommendation of the committee and approval by the Secretary, any or all celery so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of a Federal or Federal-State Inspector or the committee.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When celery is inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(f) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of celery by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, or other document authorized by the committee to indicate that such inspection has been performed. Such certificate or document shall be surrendered to such authority as may be designated by the committee.

MARKETING RESEARCH AND DEVELOPMENT

12. Section 967.44 is added as follows:

§ 967.44 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects, including marketing promotion and paid advertising, designed to assist, improve, or promote the marketing, distribution, and consumption of celery. The expenses of such projects shall be paid by funds collected pursuant to § 967.61. Upon conclusion of each program, but at least annually, the committee shall summarize and report on the program status and accomplishments to its members and the Secretary. A similar report to the committee shall be required of any contracting party on any paid advertising or major program. Also, for each advertising or major program the contracting party shall be required to maintain records of money received and expenditures and such shall be available to the committee and the Secretary. The committee shall, with the approval of the Secretary, establish criteria which will serve as a guide for it to determine what constitutes a major program.

§§ 967.70–967.73 [Redesignated]

13. Sections 967.45 through 967.48 of the existing order are renumbered §§ 967.70 through 967.73 respectively.

§§ 967.80–967.90 [Redesignated]

14. Sections 967.50 through 967.60 of the existing order are renumbered §§ 967.80 through 967.90 respectively.

Copies of this notice of recommended decision may be obtained from the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, or may be inspected there.

Dated: October 18, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68–12867; Filed, Oct. 21, 1968; 8:49 a.m.]

[7 CFR Part 1104]

[Docket No. AO298–A14]

MILK IN RED RIVER VALLEY MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Red River Valley marketing area, which was issued October 10, 1968 (33 F.R. 15256), is hereby extended from October 17, 1968, to October 27, 1968.

Signed at Washington, D.C., on October 16, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68–12826; Filed, Oct. 21, 1968; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68–SO–80]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration and Designation

Correction

In F.R. Doc. 68–12243 appearing at page 15069 in the issue of Wednesday, October 9, 1968, the reference to "VORTAC 019°" in the Crestview control zone description should read "VORTAC 109°".

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 249]

[Release No. 34–8424]

FORM FOR REGISTRATION AS BROKER-DEALER

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal under the Securities Exchange Act of 1934 to amend Form BD (17 CFR 249.501), the form of application for registration as a broker-dealer under section 15(b) of the Act and for amending such application.

Form BD requires, among other things, that corporate applicants and registrants submit certain descriptive data about their officers, directors, persons with similar status or functions and any other person who is directly or indirectly the owner of authorized shares of any class of equity security of the applicant or registrant.

Recent letters from corporate broker-dealers and industry organizations have expressed the difficulty being encountered by publicly held corporate broker-dealers who are attempting to obtain the descriptive data required by Form BD. Such letters point out that broker-dealers whose stock is traded actively or

who have thousands of stockholders have an extremely difficult task in identifying all of their minority stockholders and compiling, reporting, and keeping current the required information about such stockholders.

In light of the difficulty being experienced by corporate broker-dealers, the Commission has under consideration a proposal to amend Form BD [1] as follows:

(1) Item 12 of the form would be amended to require the completion of Schedule A as to officers, directors, persons with similar status or functions and any other person who owns one (1) percent or more of the authorized shares of any class of equity security of the applicant or registrant.

(2) Item 17 of Form BD would be amended to require the completion of a Schedule D only for officers, directors, persons with similar status or functions, and any other person who owns ten (10) percent or more of any class of equity security of the applicant or registrant.

All interested persons are invited to submit their views and comments on the proposal in writing to the SEC, Washington, D.C., on or before November 8, 1968. All such communications will be available for public inspection.

Since it appears that an amendment to Form BD is necessary and since any amendment adopted is not likely to be more stringent than the proposal advanced in this release, pending final adoption of the amendments, the Commission will accept any Form BD even though it contains Schedules A and D only for the persons from whom such schedules would be required to be filed if the proposed amendments were adopted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

OCTOBER 9, 1968.

[F.R. Doc. 68-12793; Filed, Oct. 21, 1968; 8:46 a.m.]

[17 CFR Part 279]

[Release No. I.A.-230]

FORM FOR REGISTRATION AS INVESTMENT ADVISER

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal under the Investment Advisers Act of 1940 to amend Form ADV (17 CFR 279.1), the form of application for registration as an investment adviser under section 203 of the Act and for amending such application.

Form ADV requires corporate applicants and registrants to submit certain descriptive data about their officers, directors, persons with similar status or functions and any other person who is directly or indirectly the owner of authorized shares of any class of equity security of the applicant or registrant.

Recent comments from corporate investment advisers and others have expressed the difficulty being encountered by publicly held corporate investment advisers who are attempting to obtain the descriptive data required by Form ADV. Such comments point out that investment advisers whose stock is traded actively or who have thousands of stockholders would have an extremely difficult task identifying all of their minority stockholders and compiling, reporting, and keeping current the required information about such stockholders.

In light of the difficulty being experienced by corporate investment advisers, the Commission has under consideration a proposal to amend Form ADV [1] as follows:

(1) Item 12 of Form ADV would be amended to require the completion of Schedule A as to officers, directors, persons with similar status or functions and any other person who owns one (1) percent or more of the authorized shares of any class of equity security of the applicant or registrant.

(2) Item 17 of Form ADV would be amended to require the completion of a Schedule D only for officers, directors, persons with similar status or functions, and any other person who owns ten (10) percent or more of any class of equity security of the applicant or registrant.

All interested persons are invited to submit their views and comments on the proposal in writing to the SEC, Washington, D.C. on or before November 8, 1968. All such communications will be available for public inspection.

Since it appears that an amendment to Form ADV is necessary and since any amendment adopted is not likely to be more stringent than the proposal advanced in this release, pending final adoption of the amendments, the Commission will accept any Form ADV even though it contains Schedules A and D only for the persons from whom such schedules would be required to be filed if the proposed amendments were adopted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

OCTOBER 9, 1968.

[F.R. Doc. 68-12794; Filed, Oct. 21, 1968; 8:46 a.m.]

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[1] Copies of Form BD, as proposed to be amended, were filed with the original of this document.

[1] Copies of Form ADV, as proposed to be amended were filed with the original of this document.

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Purchases of Securities From Another Licensee and Control of Small Business Concern

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations, as revised in 33 F.R. 326, and amended in 33 F.R. 11147, by amending §§ 107.807 and 107.901. Prior to final adoption of such amendments, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Office of Investment, Small Business Administration, Washington, D.C. 20416, within a period of fifteen (15) days of the date of this notice in the FEDERAL REGISTER.

Information. The proposed amendment to § 107.807 would permit a Licensee to sell portfolio debt obligations to another Licensee with up to 90 percent recourse against default. The proposed amendment to § 107.901 would relieve certain presumptions with respect to control over a small business concern whose voting securities are held by less than 50 shareholders. These amendments impose no additional burdens or obligations upon Licensees or other parties, and would facilitate increased assistance by Licensees to small business concerns.

It is proposed that Part 107 be amended as follows:

1. By amending § 107.807 to read as follows:

§ 107.807 Purchases of securities from another Licensee.

A Licensee may exchange with or purchase for cash from another Licensee portfolio securities (or any interest therein) acquired from small business concerns by such Licensee or any other Licensee (a) without recourse against the seller (except for such liability as may result from the falsity of representations or warranties as to matters of fact) or (b) in the case of portfolio securities consisting of evidence of indebtedness issued by an obligor small business concern, with recourse against the seller not to exceed 90 percent of the amount outstanding at the time of default by such concern (and with full recourse against the seller for such liability as may result from the falsity of its representations or warranties as to matters of fact): *Provided, however,* That a Licensee shall not

have invested at any one time more than one-third of its total assets in such securities of small business concerns through such exchanges or purchases.

2. By amending paragraph (b) of § 107.901 to read as follows:

§ 107.901 Control of small business concern.

* * * * *

(b) *Presumption of control.* Control over a small business concern will be presumed to exist whenever a Licensee, or a Licensee and its Associates or two or more Licensees acting in concert, own, hold, or control, directly or indirectly, voting securities equivalent to (1) more than 50 percent of the outstanding voting securities, if the voting securities of such concern are held by less than 50 shareholders; or (2) 25 or more percent of the outstanding voting securities or a block of stock of 20 or more percent of the outstanding voting securities which is as large as or larger than any other outstanding block of stock, if the voting securities of such concern are held by 50 or more shareholders. This presumption may be rebutted by the submission of appropriate evidence satisfactory to SBA.

* * * * *

Dated: October 15, 1968.

HOWARD J. SAMUELS,
Administrator.

[F.R. Doc. 68-12790; Filed, Oct. 21, 1968; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[M 10484]

MONTANA

Notice of Proposed Classification of Public Lands; Correction

OCTOBER 14, 1968.

In F.R. Doc. 68–12133, appearing on pages 14981 and 14982 of the issue for Saturday, October 5, 1968, the following changes should be made:

Following the land description in paragraph 2, the paragraph which begins with "It is proposed to classify the public lands described in this paragraph for transfer out of Federal ownership * * *" should be designated as No. 3.

Also, paragraph 5 should be changed so that the first sentence reads: "The land described in paragraph 3 will be opened to application by all qualified individuals on an equal opportunity basis when the lands are classified by a subsequent order."

HAROLD TYSK,
State Director.

[F.R. Doc. 68–12803; Filed, Oct. 21, 1968; 8:47 a.m.]

[New Mexico 4828]

NEW MEXICO

Notice of Proposed Classification

OCTOBER 15, 1968.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the lands described below for disposal through exchange, under section 8 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended, for lands within Hidalgo County, N. Mex.

The District Advisory Board, local governmental officials and other interested parties have been notified of this application. Information derived from discussions and other sources indicates that these lands meet the criterion of 43 CFR 2410.1–3(c)(4), which authorizes classification of lands "for exchanges under appropriate authority, where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which we need for the support of a Federal program." Information concerning the lands, including the record of public discussions, is available for inspection and study in the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501; Las Cruces District Manager, Bureau of Land Management, Post Office Box 1420, Las Cruces, N. Mex. 88001; and Roswell District Manager, Bureau of Land Management, Post Office Box 1397, Roswell, N. Mex. 88201.

For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager of the Las Cruces or Roswell District Office.

The lands affected by this proposal are located in DeBaca, Lincoln and Chaves Counties, N. Mex., and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 11 S., R. 18 E.,
Sec. 28, SW¼SW¼;
Sec. 33, NW¼NW¼.

T. 12 S., R. 18 E.,
Sec. 7, S½NE¼, SE¼NW¼, SE¼SW¼, and S½SE¼;
Sec. 8, S½N½ and S½S½;
Sec. 9, S½N½ and S½S½;
Sec. 10, S½N½ and N½S½;
Sec. 11, SW¼NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, and N½SE¼;
Sec. 14, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 15, NE¼, W½NW¼, NW¼SW¼, and N½SE¼;
Sec. 17, S½N½, N½S½, SW¼SW¼, and SW¼SE¼;
Sec. 19, S½NE¼, SE¼NW¼, NE¼SW¼, and N½SE¼;
Sec. 20, S½N½, N½SW¼, and NW¼SE¼;
Sec. 21, SW¼NW¼;
Sec. 22, N½, NW¼SW¼, and S½S½;
Sec. 23, E½, E½NW¼, and SE¼SW¼;
Sec. 26, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 27;
Sec. 28, S½SW¼;
Sec. 29, SW¼NW¼, NW¼SW¼, and S½S½;
Sec. 33, N½NW¼ and SW¼NW¼;
Sec. 35, N½, NE¼SW¼, and N½SE¼.

T. 13 S., R. 18 E.,
Sec. 3, lot 4 and S½N½.

T. 11 S., R. 19 E.,
Sec. 20, SW¼NW¼ and NW¼SW¼;
Sec. 22, N½NW¼NE¼, SW¼NW¼NE¼, and W½SW¼NE¼;
Sec. 29, NW¼NW¼.

T. 3 S., R. 20 E.,
Sec. 23, SW¼ and W½SE¼;
Sec. 25, NW¼NW¼;
Sec. 26, NE¼NE¼, W½E½, and W½.

T. 3 S., R. 21 E.,
Sec. 20, W½;
Secs. 22 and 23;
Sec. 24, N½ and SW¼;
Sec. 25, NW¼NW¼;
Sec. 26, N½N½, SW¼NW¼, and W½SW¼;
Sec. 28, SW¼NE¼, S½NW¼, and S½;
Sec. 29, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 33, W½E½ and W½;
Sec. 34, E½E½;
Sec. 35, NW¼ and S½.

T. 3 S., R. 22 E.,
Sec. 14, S½SW¼ and SW¼SE¼;
Sec. 15, SE¼SE¼;
Sec. 19, lots 1, 2, NE¼, and E½NW¼;
Sec. 20, N½ and SE¼;
Sec. 21, NW¼NE¼ and NW¼;
Sec. 29, E½E½ and W½W½;
Sec. 30, E½SE¼.

T. 11 S., R. 22 E.,
Sec. 23, W½W½;
Sec. 27, NW¼NE¼ and NW¼SE¼;
Sec. 35, S½NE¼, SE¼NW¼, and S½.

T. 12 S., R. 22 E.,
Sec. 10, E½ and E½W½;
Secs. 11 and 14;
Sec. 15, N½NE¼, NE¼NW¼, and W½SW¼SW¼SE¼;
Sec. 21, S½N½NE¼, S½NE¼, SW¼NW¼, N½S½, and N½S½S½;
Sec. 22, W½NE¼, SE¼NE¼, NW¼, N½SW¼, N½S½SW¼, and SE¼;
Sec. 23, NE¼, SW¼NW¼, and SW¼;
Sec. 24;
Sec. 25, N½NW¼;
Sec. 26, N½NE¼ and N½N½NW¼.

T. 3 S., R. 23 E.,
Sec. 15, S½;
Sec. 21, E½SW¼;
Sec. 27, NW¼SW¼;
Sec. 28, NE¼NW¼ and NE¼SE¼;
Sec. 31, NE¼SE¼;
Sec. 34, SE¼NW¼ and E½SW¼.

T. 5 S., R. 27 E.,
Sec. 3, SW¼SW¼;
Sec. 10, W½NW¼.

T. 3 S., R. 28 E.,
Sec. 10, SW¼ and S½SE¼.

T. 6 S., R. 30 E.,
Sec. 11, SE¼SW¼SE¼, NE¼SE¼SE¼, and S½SE¼SE¼;
Sec. 12, S½NW¼SW¼ and SW¼SW¼;
Sec. 13, NE¼, E½NW¼, NW¼NW¼, and NE¼SW¼;
Sec. 14, W½NE¼ and E½E½E½NW¼;
Sec. 24, NW¼NE¼ and NW¼NW¼.

T. 6 S., R. 31 E.,
Sec. 7, lots 2, 3, 4, and E½SW¼;
Sec. 17, S½SW¼;
Sec. 18, lots 1, 2, 3, 4, SW¼NE¼, E½W½, and SE¼;
Sec. 19, lot 1, N½NE¼, and NE¼NW¼;
Sec. 20, N½NW¼ and SE¼NW¼.

The areas described aggregate 20,624.49 acres.

R. BUFFINGTON,
Acting State Director.

[F.R. Doc. 68–12812; Filed, Oct. 21, 1968; 8:48 a.m.]

National Park Service

INSIGNIA

Prescription

The notice of August 8, 1968, appearing in the FEDERAL REGISTER of August 14, 1968, by which a new symbol was prescribed as the official insignia of the National Park Service is hereby revised to read as follows:

I hereby prescribe the "National Park Service Symbol" which is depicted below as the official insignia of the National Park Service of the Department of the Interior.

In making this prescription, I further give notice that whoever manufactures, sells, or possesses this symbol, in a manner not authorized under regulations promulgated by the Secretary of the Interior pursuant to law, shall be subject to the penalties prescribed in section 701 of title 18 of the United States Code.

The former "Arrowhead Symbol" (prescribed by notice of Mar. 7, 1962, which appeared in the FEDERAL REGISTER of Mar. 15, 1962), will continue in use by the National Park Service in certain circumstances for an indeterminate period. Therefore, notwithstanding prescription of the new "National Park Service Symbol," I hereby give notice that whoever manufactures, sells, or possesses the former "Arrowhead Symbol" in a manner not authorized under regulations promulgated by the Secretary of the Interior pursuant to law, shall be subject to the penalties prescribed in section 701 of title 18 of the United States Code.

"National Park Service Symbol:"

Dated: October 10, 1968.

DAVID S. BLACK,
Under Secretary of the Interior.

[F.R. Doc. 68-12805; Filed Oct. 21, 1968; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 366]

GRACE ENTERPRISES ET AL.

Order Conditionally Restoring Export Privileges

In the matter of The Grace Enterprises and Leung Shing Kit, a/k/a, Jimmy S. K. Leung and Robert K. Leung, 9-11 Jordan Road, Kowloon, Hong Kong, respondents; and Leung Brothers Impex Agencies, 9-11 Jordan Road, Kowloon, Hong Kong, related party.

By order dated January 24, 1967, effective as of February 1, 1967 (32 F.R. 1140), the above named respondents and related party were denied all U.S. export privileges for 5 years. The order provided that 9 months after the effective date thereof the respondents might apply to have the effective denial of export privileges held in abeyance while they remain on probation. The said respondents have filed such an application.

The respondents' application was referred to the Compliance Commissioner and considered by him. He has reported that it appears from respondents' representations and otherwise from information in possession of the Investigations Division, Office of Export Control, that conditional restoration of respondents' export privileges is consistent with the purposes of the export control program. The Compliance Commissioner has recommended that an order be entered conditionally restoring export privileges to said respondents.

The undersigned has considered the record herein and concurs with the Compliance Commissioner that conditional restoration of respondents' export privileges is consistent with the purposes of the U.S. Export Control Act and regulations. The undersigned is also of the view that the recommended action is fair and just.

Accordingly, it is hereby ordered that the export privileges of the above named respondents and related party be and hereby are restored conditionally, and the said parties are placed on probation through January 31, 1972. The conditions of probation are that the said parties: (1) Shall fully comply with all of the requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder; (2) shall sell, deliver, or dispose of commodities received from the United States in accordance with the terms set forth in the letter of September 5, 1968, from the Director, Office of Export Control to the respondents, which terms respondents have accepted; (3) shall on request of the Office of Export Control, or a representative of the U.S. Government acting on its behalf, promptly disclose fully the details of their participation in any and all transactions involving U.S.-origin commodities or technical data, including information as to the disposition or intended disposition of such commodities or technical data, and on such request shall also furnish all records and documents relating to such matters. Further, on such request, said parties shall promptly disclose the names and addresses of its partners, shareholders, agents, representatives, employees, and other persons associated with them in trade or commerce.

Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that said parties or any of them have failed to comply with the conditions of probation, said official, with or without prior notice to said parties, by supplemental order, may revoke the probation of said parties and deny to said parties all export privileges for such period as said official may deem appropriate. Such order shall not preclude the Bureau of International Commerce from taking further action for any violation as may be warranted. On the entry of a supplemental order revoking respondents' probation without notice, they may file objections and request that such order be set aside, and may request an oral hearing, as provided in § 382.16 of the Export Regulations, but pending such further proceedings, the order of revocation shall remain in effect.

This order shall become effective forthwith.

Dated: October 15, 1968.

RAUER H. MEYER,
Director,
Office of Export Control.

[F.R. Doc. 68-12882; Filed, Oct. 21, 1968; 8:47 a.m.]

Business and Defense Services Administration

CALIFORNIA INSTITUTE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00593-15-29900. Applicant: California Institute of Technology, 1201 East California Boulevard, Pasadena, Calif. 91109. Article: Birefringent filter. Manufacturer: Bernhard Halle Nachfl., West Germany. Intended use of article: The article will be used to photograph the sun through a telescope. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is intended to be used for the study of the H Alpha line of the sun. The Department of Commerce knows of no birefringent filters being manufactured in the United States, which are applicable to the H Alpha line band pass.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-12774; Filed, Oct. 21, 1968; 8:45 a.m.]

HARVARD UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00602-65-46040. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street,

Cambridge, Mass. 02138. Article: Electron Microscope, Model JEM–120. Manufacturer: Japan Electron Optical Laboratory Co., Ltd., Japan. Intended use of article: The article is intended to be used for a wide range of graduate research and teaching programs in the study of metals and ceramics. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used is being manufactured in the United States. Reasons: The foreign article provides accelerating voltages of 80, 100, and 120 kilovolts. The most closely comparable domestic electron microscope is the Model EMU–4, manufactured by the Radio Corporation of America (RCA), which provides a maximum accelerating voltage of 100 kilovolts. The additional accelerating voltage is pertinent to the purposes for which the foreign article is intended to be used, since the higher accelerating voltage permits greater penetrating power for metals and ceramics and, consequently, allows maximum utilization of the resolving capabilities of the foreign article. In addition, the foreign article provides a 30° tilting, rotating goniometric stage which is pertinent to the purposes for which the foreign article is intended to be used. At the time the applicant placed the order for the foreign article, the RCA Model EMU–4 was not equipped with a 30° tilting rotating stage, although the domestic manufacturer did state that it was "currently negotiating with a supplier to provide a tilting stage that will both tilt and rotate the specimen." (Letter from RCA to applicant, dated Feb. 16, 1968.) for the foregoing reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–12776; Filed, Oct. 21, 1968; 8:45 a.m.]

JEFFERSON MEDICAL COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00674–33–46040. Applicant: Jefferson Medical College, Department of Microbiology, 1020 Locust Street, Philadelphia, Pa. 19107. Article: Electron microscope, Model HS–8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used as follows:

(1) To train fellows, graduate students and medical students in the techniques of electron microscopy.

(2) It will be used as a research tool in the in the various areas under study, namely virus-cell interactions and morphogenetic effect of various bacteria on the gastrointestinal tract.

(3) In a joint program with division of the gastroenterology, biopsy specimens from patients with maladsorption will be studied by electron microscopy as well as bacteriologically.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU–4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU–4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article prior to June 26, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU–4 relevant at that time. The foreign article provides accelerating voltages of 25 and 50 kilovolts. The only known comparable domestic electron microscope, the RCA Model EMU–4, provided accelerating voltages of 50 and 100 kilovolts. The foreign article is intended to be used in experiments on ultrathin biological specimens. It has been experimentally determined that the lower accelerating voltages of the foreign article afford optimum contrast for unstained ultrathin specimens. Therefore, the 25-kilovolt accelerating voltage of the foreign article is pertinent to the research purposes for which the foreign article is intended to be used.

For this reason, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–12777; Filed, Oct. 21, 1968; 8:45 a.m.]

MOUNT SINAI HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00360–33–46500. Applicant: The Mount Sinai Hospital, 100th Street and Fifth Avenue, New York, N.Y. 10029. Article: LKB 8800 Ultrotome III ultramicrotome. Manufacturer: LKB Produkter, AB, Sweden. Intended use of article: The article will be used for cutting electron microscopic sections of liver of patients and experimental animals in connection with the research projects on correlation of hepatic structure and function, on viral hepatitis with examination of patients and marmosets inoculated with human material and the effects of breathing space cabin atmospheres with its contaminants on the liver. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: (1) The only known comparable domestic instrument is the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting sections of biological specimens down to 50 angstroms. The foreign article has the capability of cutting sections down to 50 angstroms (1965 catalog for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The thin-sectioning capability of the Sorvall Model MT–2 is specified as 100 angstroms (1966 catalog for Sorvall "Porter-Blum" MT–1 and MT–2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate

resolving power of the electron microscope. (2) The applicant requires an ultramicrotome capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 24, 1968, that this capability in the required dimensions can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker section (see "Ultrotome III" catalog cited above). The Sorvall Model MT–2 is equipped only with a mechanical advance system for all thicknesses. (See Sorvall Model MT–2 catalog cited above.) In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. HEW further advises that in mechanical systems, the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We, therefore, find that the thermal advance of the foreign article is pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of one degree (see catalog one "Ultrotome III"), whereas no similar device is specified in the Sorvall catalog. The capability of accurately measuring the setting of the knife angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–12778; Filed, Oct. 21, 1968; 8:45 a.m.]

POLYCLINIC HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00618–33–46060. Applicant: Polyclinic Hospital, 345 West 50th Street, New York, N.Y. 10019. Article: Operation microscope, Model SN MD. Manufacturer: Nagashima Medical Instrument Co., Japan. Intended use of article: The article will be used for postgraduate training of otolaryngologists in the field of otologic microsurgery as well as for research in the same area. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a photomicrographic apparatus designed for teaching postgraduate students in otologic microsurgery. The foreign article provides a means of permitting four students to simultaneously view the performance of the surgical procedures and techniques. This characteristic is pertinent to the training purposes for which the foreign article is intended to be used.

The Department of Commerce knows of no similar instrument or apparatus being manufactured in the United States, which provides this characteristic.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–12779; Filed, Oct. 21, 1968; 8:45 a.m.]

SCRIPPS CLINIC AND RESEARCH FOUNDATION

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00003–33–46040. Applicant: Scripps Clinic and Research Foundation, 476 Prospect Street, La Jolla, Calif. 92037. Article: Electron microscope, Model HU–11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for training biomedical researchers and for the examination of immunologic phenomena on and within cells and cell membranes. Some of the most important efforts currently and in the future require resolution of membranes and antigen-antibody molecular complexes down to the lowest limit possible, about 5 angstrom units. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU–4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU–4 has been redesignated to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article on June 28, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU–4 relevant at that time. The foreign article provides accelerating voltages of 25, 50, 75, and 100 kilovolts. The only known comparable domestic electron microscope, the RCA Model EMU–4, provided accelerating voltages of 50 and 100 kilovolts. The foreign article is intended to be used in experiments on ultrathin biological specimens. It has been experimentally determined that the lower accelerating voltages of the foreign article afford optimum contrast for unstained ultrathin specimens. Therefore, the 25-kilovolt accelerating voltage of the foreign article is pertinent to the research purposes for which the foreign article is intended to be used.

For this reason, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–12780; Filed, Oct. 21, 1968; 8:45 a.m.]

UNIVERSITY OF FLORIDA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the

regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00690–33–46040. Applicant: University of Florida, College of Medicine, Department of Pathology, Gainesville, Fla. 32601. Article: Electron microscope, Model EM 9A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for the following:

1. Introductory training of research fellows in electron microscopy.

2. Training of research fellows in the ultrastructure of tumor cells and viruses.

3. Training of research staff in elementary electron microscopy for supportive research purposes.

4. Rapid screening of a large volume of tumor specimens for cytological detection of viral particles in Burkitt tumor cells.

5. Study and identification of viral particles particularly in relationship to tumor producing cells.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU–4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU–4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant applied for duty free entry of the foreign article on June 28, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU–4 relevant at that time. (1) The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope which can be used by students with a minimum of detailed programing and early use by the student with self-confidence. The only domestic electron microscope is the RCA Model EMU–4 which is a high resolution and relatively complex instrument designed for high level research. (2) The foreign article provides as low as 60 magnifications. This characteristic permits the student to make an easy transition from light microscopy. (3) The foreign article also provides a digital readout for focusing adjustments, which allows the instructor to check the correctness of the student's focusing adjustment and to exactly repeat focusing adjustment for several students performing an identical experiment.

For the foregoing reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–12775; Filed, Oct. 21, 1968; 8:45 a.m.]

UNIVERSITY OF VIRGINIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00667–33–46040. Applicant: University of Virginia School of Medicine, Charlottesville, Va. 22903. Article: Electron Microscope, Model EM 9A and recommended spare parts. Manufacturer: Carl Zeiss, West Germany. Intended use of article: Applicant states:

The Zeiss EM 9A will be used for teaching and research. The Department of Physiology gives a series of courses for graduate and medical students and one of these will be in electromicroscopy. The course will be taught by one of the staff and will be open to all graduate students of the university. Emphasis will be placed on correlation of structure and function of biological systems. In research the instrument will be used by several members of the Department who are engaged in physiological studies on cardiovascular and nervous systems. In these studies it is essential to have detailed information about the fine structure of the tissues under investigation. Such information can only be provided by electromicroscopy. Examples of the tissues to be studied are cultured heart cells, the smooth muscle cells of the microvasculature and the innervation of the heart and peripheral vessels.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU–4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU–4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant applied for duty-free entry of the foreign article on June 24, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU–4 relevant at that time. (1) The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope which can be used by students with a minimum of detailed programming and early use by the student with self-confidence. The only domestic electron microscope is the RCA Model EMU–4 which is a high resolution and relatively complex instrument designed for high level research. (2) The foreign article provides as low as 60 magnifications. This characteristic permits the student to make an easy transition from light microscopy. (3) The foreign article also provides a digital readout for focusing adjustments, which allows the instructor to check the correctness of the student's focusing adjustment and to exactly repeat focusing adjustment for several students performing an identical experiment.

For the foregoing reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–12781; Filed, Oct. 21, 1968; 8:45 a.m.]

Patent Office

EXAMINATION OF PATENT APPLICATIONS ON COMPUTER PROGRAMS

Notice of Issuance of Guidelines

Notice of the Patent Office's intent to prescribe guidelines for the examination of patent applications on computer programs was issued on July 6, 1966, and published in the Official Gazette of the Patent Office on August 16, 1966 (829 O.G. 865). Full consideration has been given to the written comments and suggestions filed in response to the published notice, as well as to the statements received at the public hearings held on October 4, 1966.

The following guidelines for the examination of patent applications on computer programs are adopted, effective immediately. They reflect a tentative analysis of applicable statutory law

and judicial precedents and hence are subject to modification on the basis of later decisions. While there may be some question as to exactly what is meant by computer program, it is believed that the essential meaning of this terminology is generally understood and that no specific definition is necessary here.

Process. Special problems of patentability arise in the computer and data processing fields revolving around logical processes and mathematical equations. Mental processes may not be patented although they may be of enormous importance; In re Abrams, 1951 C.D. 264, 38 C.C.P.A. 945, 89 U.S.P.Q. 266. A process or method is directed to patentable subject matter only if it is performed on physical materials and produces some appreciable change in their character or condition; In re Shao Wen Yuan, 1951 C.D. 286, 38 C.C.P.A. 967, 89 U.S.P.Q. 324; Cochrane v. Deener, 94 U.S. 780, 1877 C.D. 242. Accordingly, a computer programing process which produces no more than a numerical, statistical or other informational result is not directed to patentable subject matter. Such a process may, however, form a part of a patentable invention if it is combined in an unobvious manner with physical steps of the character above referred to as, for example, in the knitting of a pattern or the shaping of metal.

Apparatus. In accordance with 35 U.S.C. 112, the claims of an application must point out the invention. If the actual invention resides in a series of steps which can be performed mentally, or which are otherwise not directed to subject matter which is patentable under the statutes, a patent cannot properly be obtained merely by reciting broadly a means for performing each of those steps. To permit this would be tantamount to granting a patent on the unpatentable process, since the process could not be performed unless some means are provided for carrying out each of the steps.

Further, it is well settled that a patent cannot be granted merely on the broad basis of doing automatically what has previously been done by hand; In re Hamilton, 17 U.S.P.Q. 245, and cases there cited, and for similar reasons, it would not be proper to patent apparatus, broadly, for doing what it is not patentable to do mentally.

Moreover, if, given the process to which an application relates, it would be obvious to a skilled programer what tape or other apparatus was necessary to carry out the process, then the invention, if any, resides in the process and not in the apparatus; Nestle-Lemur Co. v. Eugene, Ltd., 12 U.S.P.Q. 335, 55 F. (2d) 854; Whitman v. Andrus et al., 92 U.S.P.Q. 291, 194 F. (2d) 270. As was said in the former case:

> Where one discovers a new and useful process for accomplishing a given result, is the obvious mechanical or electrical device, obvious to anyone to whom the proposed method is disclosed, patentable apart from the process? We are constrained to the opinion that it is not.

However, as in the case of a corresponding process, a programed computer may be part of a patentable combination if unobviously combined with other elements to produce a physical result of the character referred to above.

The basic principle to be applied is that computer programing per se, whether defined in the form of process or apparatus, shall not be patentable.

Issued: October 17, 1968.

EDWIN L. REYNOLDS,
Acting Commissioner of Patents.

[F.R. Doc. 68–12809; Filed, Oct. 21, 1968; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. PRM–40–12]

NEFARNIN ASSOCIATES

Notice of Filing of Petition

Notice is hereby given that Nefarnin Associates, 39 Pinckney Street, Boston, Mass. 02114, by letter dated October 2, 1968, has filed with the Commission a petition for rule making to amend the Commission's regulation "Licensing of Source Material," 10 CFR Part 40.

The petitioner requests the Commission to amend its regulations to provide an exemption from licensing requirements of uranium-238 in the form of small bar-shaped cuff links for decorative purposes. The petitioner estimates that a pair of the cuff links would contain 15 microcuries of uranium-238.

A copy of the petition for rule making and copies of related correspondence from the petitioner are available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 15th day of October 1968.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 68–12773; Filed, Oct. 21, 1968; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19692]

MILWAUKEE-SHORT HAUL INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 8, 1968, at 10 a.m. e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Herbert K. Bryan.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before November 1, 1968, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., October 16, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68–12821; Filed, Oct. 21, 1968; 8:49 a.m.]

[Docket No. 19074 etc.; Order 68–10–70]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Service Mail Rates

Issued under delegated authority on October 15, 1968.

By petitions filed on October 4 and October 16, 1967, Sedalia, Marshall, Boonville Stage Line, Inc. (Sedalia), requested the Board to establish final service mail rates for the transportation of mail by aircraft. The proposed rates per great circle aircraft mile were (1) 49.63 cents between Chicago, Ill., and Louisville, Ky., in Docket 19074; (2) 51 cents between Cleveland, Ohio, and Indianapolis, Ind., in Docket 19075; and (3) 49.54 cents between Minneapolis, Minn., Eau Claire, Wausau, and Green Bay, Wis., in Docket 19127. These petitions were supported by the Postmaster General. Subsequently, these final mail rates were established by Order E–26231.

On September 19, 1968, the Postmaster General filed petitions on behalf of Sedalia stating that since the submission by Sedalia of the proposals which resulted in establishment of the above rates the air taxi operator has experienced increased costs as a result of additional requirements imposed by the Post Office Department and in some cases new or increased landing and ramp fees imposed by airport operators. The Postmaster General further states that these increases in costs were not known nor reasonably foreseeable at the time the original petitions were filed. Because of these increased costs, the Postmaster General petitions new final service mail rates for the transportation of mail by aircraft. The proposed rates per great circle aircraft mile are (1) 56.03 cents between Chicago, Ill., and Louisville, Ky., in Docket 19074; (2) 57.65 cents between Cleveland, Ohio, and Indianapolis, Ind., in Docket 19075; and (3) 54.77 cents between Minneapolis, Minn., Eau Claire, Wausau, and Green Bay, Wis., in Docket 19127. The Postmaster General states that the proposed rates are acceptable to the Department and the carrier and represent fair and reasonable rates of compensation for the performance of these services under the present requirements of the Department.

The Board finds it is in the public interest to determine, adjust and establish the fair and reasonable rates of compensation to be paid by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petitions and other matters officially noticed, it is pro-

posed to issue an order[1] to include the following findings and conclusions.

On and after September 19, 1968, the fair and reasonable final service mail rates per great circle aircraft mile to be paid in their entirety to Sedalia by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be (1) 56.03 cents between Chicago, Ill., and Louisville, Ky.; (2) 57.65 cents between Cleveland, Ohio, and Indianapolis, Ind.; and (3) 54.77 cents between Minneapolis, Minn., Eau Claire, Wausau, and Green Bay, Wis.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR, Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Delta Air Lines, Inc., Eastern Air Lines, Inc., Allegheny Airlines, Inc., North Central Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rates of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rates or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Delta Air Lines, Inc., Eastern Air Lines, Inc., Allegheny Airlines, Inc., North Central Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-12822; Filed, Oct. 21, 1968; 8:49 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 20279; Order 68-10-75]

TRANS-CAL AIRLINES

Order To Show Cause Regarding Service Mail Rate

Issued under delegated authority on October 16, 1968.

The Postmaster General filed a notice of intent September 24, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 49 cents per great circle aircraft mile for the transportation of mail by aircraft between Fresno and Los Angeles, Calif., via Bakersfield, Calif.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beech, Model B-80 Queen Airliner aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Trans-Cal Airlines, in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 49 cents per great circle aircraft mile between Fresno and Los Angeles, Calif., via Bakersfield, Calif.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. Trans-Cal Airlines, the Postmaster General, Air West, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Trans-Cal Airlines;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Trans-Cal Airlines, the Postmaster General, Air West, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-12823; Filed, Oct. 21, 1968; 8:49 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

FEDERAL COMMUNICATIONS COMMISSION

[FCC 68-1043]

ADMINISTRATION OF PERSONAL ATTACK AND EDITORIALIZING RULES PENDING FURTHER JUDICIAL REVIEW

OCTOBER 16, 1968.

Sections 73.123, 73.300, 73.598, and 73.679 of the Commission's rules and regulations contain requirements governing the responsibility of broadcast licensees to furnish reply time where the station has editorialized concerning a political election or has carried a personal attack as part of a discussion of a controversial

issue of public importance. The U.S. Court of Appeals for the District of Columbia Circuit has sustained an order of the Commission requiring that reply time be given in a personal attack situation which arose prior to the adoption of the rules. Red Lion Broadcasting Co. v. Federal Communications Commission, 381 F. 2d 908, cert. granted 389 U.S. 968. The Court of Appeals for the Seventh Circuit has held the rules to be invalid, Radio Television News Directors Association v. United States and Federal Communications Commission, decided September 10, 1968, but has stayed the issuance of its mandate for a period of 30 days from October 11, 1968, upon being advised that the Government would seek certiorari.

When a petition for a writ of certiorari is filed within 30 days, the stay of mandate will remain in effect pending further Supreme Court review.

In accordance with a representation made to the Court of Appeals for the Seventh Circuit upon which a stay of mandate was sought, the Commission will enforce these rules upon the following basis pending a Supreme Court resolution of the questions involved:

Licensees will be expected to comply with the rules, and the Commission will continue to entertain and rule upon complaints of violations. Such Commission rulings will be subject to judicial review and judicial enforcement. However no fine or forfeiture will be imposed, no criminal penalty will be sought, and no renewal or revocation proceeding will be instituted, based upon violations of the rule occurring during the course of further judicial review of the rules by the Supreme Court. In addition, the Commission does not intend to make a final determination of any pending renewal or revocation proceedings involving the rules pending a Supreme Court decision.

Action by the Commission October 16, 1968.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-12816; Filed, Oct. 21, 1968; 8:49 a.m.]

[Docket No. 18140 etc.; FCC 68-1027]

DELAWARE COUNTY CABLE TELEVISION CO. ET AL.

Memorandum Opinion and Order Clarifying Designation Order

In re petitions by Delaware County Cable Television Co., et al., for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Philadelphia, Pa., television market (ARB 4) and the Harrisburg-Lancaster-Lebanon-York, Pa., television market (ARB 30) or the Wilkes-Barre-Scranton, Pa., television market (ARB 69), Docket No. 18140, File No. CATV 100-18, 18141, 18142, 18143, 18144, 18145, 18146, 18147, 18148, 18149, 18150, 18151, 18152, 18153, 18154, 18155, 18156, 18157, 18158, 18159, 18160, 18161, 18162, 18163; and in re applications of Rollins, Inc., Newark, Del., Docket No. 18164, File No. 20077-IB-15X, Jerrold-South Jersey T.V. Cable Corp., Mt. Holly, N.J., Docket No. 18165, File No. 9538-IB-96X, for construction permits for new Point-to-Point Microwave stations; and in re applications of Rollins, Inc., for construction permits for new community antenna relay stations to serve a CATV system at Wilmington, Del., Docket No. 18166, File Nos. BPCAR-2, BPCAR-3, BPCAR-4, BPCAR-5, Lower Bucks Cablevision, Inc., Levittown, Pa., Docket No. 18227, SR-1687; Lower Bucks Cablevision, Inc., Penndel Borough, Pa., Docket No. 18228, SR-26815; request for special relief filed pursuant to § 74.1109 of the Commission's rules.

1. The Commission has under consideration an "Urgent Petition to Supplement Order Granting Temporary Relief," filed September 23, 1968, by U.S. Communications of Philadelphia, Inc. (WPHL-TV), licensee of television Station WPHL-TV, Philadelphia, Pa., and pleadings in response thereto.[1] Petitioner requests that we enter a supplementary order that, pending the outcome of this proceeding, Lower Bucks Cablevision, Inc. (Lower Bucks), a CATV proposing service in Middletown Township, Bristol Township, and Bristol Borough, Pa., be directed to limit CATV operations to those areas of Middletown and Bristol Townships and Bristol Borough where main trunk cable is located as of October 1, 1968.

2. Our Memorandum Opinion and Order, FCC 68-684, released July 18, 1968, ordered a hearing on a petition of WPHL-TV for special relief pursuant to § 74.1109 of the rules with respect to the operation of Lower Bucks' CATV system in Middletown Township, Bristol Township, and Bristol Borough, all located within the Philadelphia television market. It also restricted carriage by the Lower Bucks CATV systems in Levittown and Bristol of signals proposed in its notifications of December 21, 1966, and January 24, 1968, to those areas in which main trunkline cable had been laid by the release date of the order (July 18, 1968).

3. In its petition, WPHL-TV alleges that Lower Bucks has since July 18, 1968, continued installing main trunkline cable in areas outside the communities of Levittown and Bristol[2] apparently in the belief that Lower Bucks is not restricted by the Commission's order from instituting service outside of such communities; that contrary to the intent and purpose of the order Lower Bucks is rapidly expanding the area in which the proposed signals are being carried despite findings in the order that carriage thereof raises public interest questions requiring a hearing; and that there should be no expansion of the Lower Bucks system pending the outcome of the hearing.

4. The Chief, Broadcast Bureau, generally concurs with the petitioner's contentions. Lower Bucks asserts in its opposition that the order does not restrict the institution of CATV service in areas outside of the communities of Levittown and Bristol; that it has been installing main trunkline cable in the belief that it may institute service in such areas; that WPHL-TV has not previously objected to the institution of service in such areas and that objections at this time are untimely.

5. The restrictions imposed by the Commission's July 18, 1968, order were designed to preserve the status quo, to permit operation by the Lower Bucks' CATV in areas in which main trunkline cable had already been installed, but to inhibit expansion of the service pending hearing and resolution of the significant public interest questions. Because of apparently ambiguous language in the order, this result has not been achieved. We shall, therefore, clarify our intention by issuing a further order restricting Lower Bucks from instituting CATV service (carrying signals proposed in its notifications of Dec. 21, 1966, and Jan. 24, 1968) in any part of Middletown and Bristol Townships and Bristol Borough except where main trunkline cable has been laid as of the release date of this order.

6. *Accordingly, it is ordered,* That Lower Bucks Cablevision, Inc., Levittown, Pa., is instructed and directed to confine operation of its CATV system carrying signals proposed in its notifications of December 21, 1966, and January 24, 1968, to those areas where its main trunkline cable is located on the release date of this order.

7. *It is further ordered,* That the "Urgent Petition to Supplement Order Granting Temporary Relief," filed September 23, 1968, by U.S. Communications of Philadelphia, Inc. (WPHL-TV), is granted to the extent indicated herein and is otherwise denied.

Adopted: October 14, 1968.

Released: October 15, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-12817; Filed, Oct. 21, 1968; 8:48 a.m.]

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[1] Commissioners Bartley (Acting Chairman), Lee, Cox, Wadsworth, and Johnson.

[1] A motion to limit time for filing pleadings in response to the petition for special relief, filed Sept. 23, 1968, by WPHL-TV, was granted and the parties were directed by telegram, adopted Sept. 25, 1968, to file pleadings responsive to such petition by Oct. 2, 1968. On that date the Chief, Broadcast Bureau, filed comments in support of the petition and Lower Bucks Cablevision, Inc., filed an opposition.

[2] Levittown and Bristol are unincorporated communities without precise boundaries within or partially within areas where Lower Bucks' CATV is franchised to operate.

[3] Dissenting statement of commissioner Robert T. Bartley filed as part of the original document. Commissioner Johnson absent.

[Dockets Nos. 18349–18353; FCC 68–1013]

RALPH SILKWOOD ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: 1. Ralph J. Silkwood and K. C. Laurance (Transferors) and W. H. Hansen (Transferee), Docket No. 18349, File No. BTC–4244, for transfer of control of Medford Broadcasters, Inc., licensee of Station KDOV, Medford, Oreg.; 2. R. W. Hansen, Station KCNO, Alturas, Calif., for renewal of license, Docket No. 18350, File No. BR–2641; 3. Medford Broadcasters, Inc., licensee of Station KDOV, Medford, Oreg,. for renewal of license, Docket No. 18351, File No. BR–3775; 4. W. H. Hansen, Medford, Oreg., for construction permit for new FM facility, requests: 93.7 mc, No. 229, 25.55 kw, 354 feet, Docket No. 18352, File No. BPH–4424; 5. Radio Medford, Inc., Medford, Oreg., for construction permit for new FM facility, requests: 93.7 mc, No. 229, 18.4 kw (H); 18.4 kw (V); 3,263 feet, Docket No. 18353, File No. BPH–5429.

1. We have before us all of the aforementioned applications that presently involve W. H. Hansen, together with a petition to designate applications for hearing (i.e., applications relating to former construction permit for Station KDAD, Weed, Calif.) filed December 30, 1963 by Shasta Cascade Broadcasting Corp. (KWSD) (hereinafter "Shasta") and responsive pleadings.[1] The Shasta Petition supported by an affidavit of personal knowledge, alleges misrepresentations, undisclosed ownership, lack of candor and violations of our reporting rules at KDAD, Weed, Calif., by both the permittee of record, Jay C. Lemire, and W. H. Hansen, while he was a proposed assignee. Again, information before the Commission tends to support these allegations, not only against W. H. Hansen-Lemire at KDAD, but also against W. H. Hansen at Stations KDOV, Medford, Oreg., and KCNO, Alturas, Calif.

2. On December 1, 1960, W. H. Hansen voluntarily appeared at the Commission's offices and signed a sworn statement detailing his activities at KDAD and KDOV. He conceded, inter alia, that contrary to the official ownership records filed by the station with the Commission, he (Hansen) had an undisclosed interest in the KDAD permit. Subsequent investigation indicates that significant details of Hansen's December 1, 1960, statement about KDAD were incomplete or false. Although the KDAD construction permit no longer exists and the various applications filed in connection with it have been dismissed, the charges against Hansen concerning his dealings at KDAD, if true, reflect adversely on his qualifications as a licensee. An issue will, therefore, be specified below regarding Hansen's apparent misrepresentations in connection with the now defunct KDAD construction permit and related applications.

3. Respecting Station KDOV, the Commission has before it an application from Medford Broadcasters, Inc. (BR–3775) for renewal of the license at Station KDOV; a transfer application from James J. Silkwood to W. H. Hansen (BTC–4244); and application for assignment (BAL–5358) from Medford Broadcasters, Inc. (Hansen), to Viking Broadcasters of Oregon, which has a termination date now passed.[2]

4. On May 24, 1966, a Form 323 executed for KDOV by Hansen was submitted which recited the sale of 124 shares, or 49 percent of outstanding shares of Medford by Hansen to Robert W. Brier, Donald H. Reita, and Edward H. Babson for a consideration of $42,000. In that form, Hansen stated that as a result of the sale he was left the holder of one share of Medford stock, that share representing 1 percent of all outstanding shares. On September 30, 1966, Robert W. Brier informed the Commission that at the time of the purchase Hansen had represented himself to be the holder of all outstanding shares of Medford and, Brier states, the sale was consummated in reliance on that representation. The ownership of the Medford shares and control of the Medford corporation is so clouded and uncertain that a hearing is necessary to untangle the chain. The apparent unauthorized transfer of control of the Medford station must be examined, as well as the various conflicting statements concerning ownership and control of Medford.

5. It appears that W. H. Hansen's association with KDOV comprehends both violations of Commission's rules and regulations and provisions of the Communications Act. These apparent violations include a series of failures to file contracts and agreements required under § 1.613 of the Commission's rules; a number of apparent violations of section 310(b) of the Communications Act and misrepresentations to the Commission. Therefore, the Commission is unable to make a statutory finding that a grant of the KDOV renewal application (BR–3755) would be in the public interest, and we will designate that application for hearing.

6. The earlier KDOV transfer application (BTC–4244) running from James J. Silkwood to W. H. Hansen and filed in March 1964, is the result of court action between the parties. Matters involved in this application also bear on the question of Hansen's qualifications. Therefore, we will similarly designate this application for hearing.

7. We also have before us an application from Robert Hansen, son of W. H. Hansen, for the renewal of license of Station KCNO, Alturas, Calif. (BR–2641). Information before the Commission indicates that W. H. Hansen is, and for some time has been, an undisclosed principal in the licensee of Station KCNO and that Robert Hansen's "ownership" of KCNO was and is purely nominal. In view of this apparent undisclosed ownership, and the apparent misrepresentations inherent in it, the Commission is unable to find that the grant of the KCNO application would serve the public interest, convenience and necessity. Therefore, we will designate for hearing the KCNO renewal application.

8. The Commission must deal with two mutually exclusive applications for construction permits by Radio Medford and W. H. Hansen, captioned as Applications 4 and 5 above. Since the operation by the applicants as proposed would result in mutually destructive interference, they must be designated for hearing. The areas for which the applicants propose to provide FM broadcast service are significantly different in size and population and that for purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM service (at least 1 mv/m) within such areas will be considered under the standard comparative issue in the hearing to be ordered for the purpose of determining whether a comparative preference should accrue to either applicant. Radio Medford, except as indicated in the issues specified below is qualified to conduct and operate as proposed. Since issues concerning the qualifications of W. H. Hansen are to be specified below, we consider it appropriate that this comparative hearing should be consolidated with the hearing to be ordered on the several matters concerning W. H. Hansen.[3]

9. *It is therefore ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-mentioned applications are designated for consolidated hearing at a time and location to be specified in a subsequent order, upon the following issues:

(1) To determine whether W. H. Hansen misrepresented to or concealed material facts from the Commission in connection with filings or statements concerning the former KDAD construction

[1] The Shasta petition was rendered moot by the Commission's action of Apr. 17, 1968, which dismissed the KDAD applications for failure to prosecute. For the purposes of this hearing, however, we shall consider the allegations contained in the Shasta petition on our own motion.

[2] Action on BAL–5358 will be deferred pending the outcome of the hearing hereinafter ordered.

[3] A petition to dismiss the application of W. H. Hansen for a construction permit for a new FM station at Medford (this application is captioned as No. 4 above) was filed with the Commission on Mar. 27, 1968 by Radio Medford, Inc., the mutually exclusive applicant with Hansen in Medford (Radio Medford's application is captioned as No. 5 above). This petition prays for the dismissal of the Hansen application because, among other things, it is inaccurate and out of date, having been filed in 1964. Today we will deny this petition because it is our belief that Hansen is entitled to a hearing on his application, and is entitled to have his comparative qualifications weighed against those of Radio Medford at a hearing which will be ordered below. As indicated below, both parties will be accorded the right to bring their applications up-to-date and all parties will, of course, be given the right to petition to enlarge issues as appropriate after such amendments are filed.

permit at Weed, Calif.; or in connection with former applications BMP–8833, BMP–8824, or BAP–6449;

(2) To determine whether W. H. Hansen's statements to the Commission on December 1, 1960, misrepresented or concealed material facts or was lacking in the candor expected of a licensee;

(3) To determine whether W. H. Hansen has participated in unauthorized transfers of control of Station KDOV, Medford, Oreg., in violation of section 310(b) of the Communications Act;

(4) To determine whether W. H. Hansen has failed to file contracts and agreements with the Commission in violation of § 1.613 of the Commission's rules and regulations;

(5) To determine whether W. H. Hansen misrepresented material facts to the Commission in connection with applications, filings or statements to the Commission concerning Station KDOV, Medford, Oreg.;

(6) To determine whether W. H. Hansen was or is an undisclosed principal in Station KCNO, Alturas, Calif.;

(7) To determine whether W. H. Hansen has misrepresented facts to the Commission concerning the ownership of Station KCNO;

(8) To determine whether Robert Hansen, licensee of record of Station KCNO, has misrepresented any facts to the Commission concerning the ownership of Station KCNO; and whether Robert Hansen possesses the requisite character qualifications to be a licensee of the Commission;

(9) To determine, in the light of the evidence adduced under the foregoing issues, whether W. H. Hansen possesses the requisite character qualifications to be a licensee of the Commission;

(10) To determine, in light of the evidence adduced under the foregoing issues whether the public interest, convenience, and necessity would be served by a grant of the above-captioned renewal applications;

(11) To determine, in the event that W. H. Hansen is not disqualified under the foregoing issues, whether the proposals of W. H. Hansen (BPH–4424), or those of Radio Medford, Inc. (BPH–5429), would better serve the public interest, convenience, and necessity;

(12) To determine, in the light of the evidence adduced pursuant to the foregoing comparative issues, which of the mutually exclusive applications for construction permit (Radio Medford, Inc., BPH–5429 or W. H. Hansen, BPH–4424) should be granted.

10. *It is further ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the Chief, Broadcast Bureau, is directed to serve upon the applicants a bill of particulars setting forth the charges relating to the issues above;

11. *It is further ordered,* That Radio Medford, Inc., shall be made a party and shall have the right to appear as such in the entire consolidated proceeding;

12. *It is further ordered,* That respecting issues Nos. 1 through 8 above, the initial burden of coming forward with the introduction of evidence shall be on the Broadcast Bureau;

13. *It is further ordered,* That, within 30 days of the mailing, of this order, the mutually exclusive applicants for the new FM facility in Medford (W. H. Hansen, BPH–4424) and Radio Medford, Inc. (BPH–5429), shall bring their pending applications completely up-to-date, including new or amended financial commitments, programing, other interests, and the new section IV–A;

14. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order;

15. *It is further ordered,* That the applicants shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: October 9, 1968.

Released: October 17, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–12818; Filed, Oct. 21, 1968; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

GRACE LINE, INC., AND MOORE-McCORMACK LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

[4] Chairman Hyde absent.

Notice of agreement filed for approval by:

Mr. N. D. Pasco, Vice President, Moore-McCormack Lines, Inc., 1000 16th Street NW., Washington, D.C. 20036,
and;
Mr. J. N. Thurman, Vice President, Grace Line, Inc., 1511 K Street NW., Washington, D.C. 20005.

Agreement No. 9753, between Grace Line, Inc., and Moore-McCormack Lines, Inc., provides for the appointment by Grace Line, Inc., of Moore-McCormack Lines as its freight agent in Philadelphia, Pa., for the booking of cargo, collection of freight monies, husbanding of vessels, entering and clearing of vessels, and other agency responsibilities under the terms and conditions as set forth in the Agreement. The Agreement does not include sales activities which will be handled exclusively by Grace Line.

Dated: October 16, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68–12807; Filed, Oct. 21, 1968; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–3060, etc.]

H. R. GOODRICH ET AL.

Findings and Order; Correction

OCTOBER 10, 1968.

H. R. Goodrich et al. (Successor to R. H. Goodrich), and other applicants listed herein, Docket Nos. G–3060 et al.; Neal A. Mager et al., Docket No. CI69–89.

In findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, canceling docket numbers, severing proceeding, terminating certificates, making successors co-respondents, redesignating proceedings, requiring filing of agreements and undertakings and accepting related rate schedules and supplements for filing issued September 27, 1968, and published in the FEDERAL REGISTER on October 5, 1968, on page 14974, change "Docket No. CI68–89" to read "Docket No. CI69–89 on page 21, column 1."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–12782; Filed, Oct. 21, 1968; 8:45 a.m.]

[Docket Nos. CS69–9, CS69–10]

CHARLES A. HAYNES AND COLUMBIA OIL CORP.

Notice of Applications for "Small Producer" Certificates [1]

OCTOBER 14, 1968.

Take notice that on September 26, 1968, Charles A. Haynes, Post Office Box

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

152, Mildland, Tex. 79701, and on September 27, 1968, Columbia Oil Corp., Post Office Box 1071, San Angelo, Tex. 76901, filed in Docket Nos. CS69–9 and CS69–10, respectively, applications pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for "small producer" certificates of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 8, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–12783; Filed, Oct. 21, 1968; 8:45 a.m.]

[Docket No. CP69–94]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

OCTOBER 14, 1968.

Take notice that on October 7, 1968, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP69–94 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities and the sale and delivery of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a 4-inch line which will extend from its existing South Wausau meter station in a generally easterly direction a distance of approximately 17.3 miles to a point approximately 3.9 miles west of Wittenberg, Wis. Applicant also seeks to sell and deliver natural gas to Wisconsin Fuel and Light Co., an existing customer, for resale and distribution in the communities of Ringle, Hatley, Eland, Birnamwood, Wittenberg, and Tigerton, all in Wisconsin. Applicant states that said communities presently have no natural gas service.

Applicant states that third year peak day and annual requirements for the said communities are estimated at 1,506 Mcf and 258,785 Mcf, respectively.

Total estimated cost of Applicant's proposed facilities is $425,000. Applicant will provide financing from funds on hand or from funds which will be generated internally.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before November 12, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–12784; Filed, Oct. 21, 1968; 8:46 a.m]

[Docket No. CP68–164]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Petition To Amend

OCTOBER 14, 1968.

Take notice that on October 7, 1968, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP68–164 a petition to amend an order of the Commission issued in said docket on May 3, 1968, which order authorized Petitioner to construct and operate additional transmission facilities and to sell and deliver additional quantities of gas to existing customers, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

By the instant filing, Petitioner seeks amendment of said order to reduce the authorization for Petitioner to sell 19,303 Mcf of natural gas per day to Iowa Illinois Gas and Electric Co. by 7,000 Mcf per day and to substitute therefor authorization for Petitioner to sell 5,000 and 2,000 Mcf of natural gas per day to The Peoples Gas Light and Coke Co. and Iowa Electric Light and Power Co. (Iowa Electric), respectively. Petitioner also seeks authorization for 1 year to sell to Iowa Electric the 1,500 Mcf of gas per day allocated by said order to Interstate Power Co. (Interstate), retaining the authorization to sell said 1,500 Mcf of gas per day to Interstate commencing December 1, 1969.

Petitioner states that such revised authorizations are necessary due to changed market requirements of distributor customers.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 12, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–12785; Filed, Oct. 21, 1968; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temp. Reg. F–29]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a communications service rate proceeding.

2. *Effective date.* This regulation is effective October 16, 1968.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended particularly sections 201(a)(4) and 205(d), authority is delegated to the Secretary of Defense to represent the interest of the executive agencies of the Federal Government before the Federal Communications Commission in such proceedings as may be necessary or appropriate in connection with the filing by the American Telephone and Telegraph Co. of a revised tariff, FCC No. 263, scheduled to become effective November 1, 1968, relating to connection of customer-provided equipment and systems to the message telephone network.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures,

and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: October 17, 1968.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 68-12820; Filed, Oct. 21, 1968; 8:49 a.m.]

FEDERAL TRADE COMMISSION

TRIPARTITE PROMOTIONAL PLAN PROPOSED BY SUPPLIER SUBJECT TO CEASE AND DESIST ORDER

The Commission has been requested to render an advisory opinion to a supplier regarding the use of a tripartite promotion plan. The requesting party is subject to an outstanding cease and desist order prohibiting it from making promotional payments to its customers in a discriminatory manner.

The supplier sells its product through grocery, department, discount, hardware, and other retail stores. The Commission advised the requesting supplier that it had instituted an investigation of the operation of the promoter's program and therefore was of the opinion that the request was inappropriate at this time.

Issued: October 21, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA.
Secretary.

[F.R. Doc. 68-12831; Filed, Oct. 21, 1968; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2991]

AMERICAN STANDARD, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 16, 1968.

In the matter of application of the Pittsburgh Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the preferred stock of the following company, which, security is listed and registered on one or more other national securities exchange:

American Standard, Inc., $4.75 cumulative convertible preference stock, series A, no par value File No. 7-2991.

Upon receipt of a request, on or before October 31, 1968, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-12795; Filed, Oct. 21, 1968; 8:47 a.m.]

[File No. 1-3909]

BSF CO.

Order Suspending Trading

OCTOBER 16, 1968.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 17, 1968, through October 26, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-12796; Filed, Oct. 21, 1968; 8:47 a.m.]

[812-2385]

GREAT-WEST VARIABLE ANNUITY ACCOUNT A AND GREAT-WEST LIFE ASSURANCE CO.

Notice of Application for Exemptions

OCTOBER 16, 1968.

Notice is hereby given that Great-West Variable Annuity Account A ("Account") and The Great-West Life Assurance Co. ("Great-West") (herein collectively called "Applicants"), 60 Osborne Street North, Winnipeg, Manitoba, Canada, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. sec. 80a-1 et seq. ("Act"), for an order exempting Applicants from the provisions of sections 14(a)(1), 15(a), 16(a), 22(d), 22(e), 27(a)(3), 27(a)(4), 27(c)(1), 27(c)(2), and 32(a)(2) of the Act. Great-West established Account in accordance with certain provisions of the Canadian and British Insurance Companies Act, as a segregated investment account to offer group variable annuity contracts which are initially intended to qualify for federal tax benefits under section 403(b) of the Internal Revenue Code of 1954, as amended. Account is an open-end diversified management company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Section 14(a)(1). Section 14(a)(1) provides that no registered investment company shall make a public offering of a security of which such company is the issuer, unless such company has a net worth of at least $100,000. Applicants submit that it is not feasible to secure $100,000 of assets through a nonpublic offering since Account will be limited to holding assets pertaining to plans meeting the requirements of section 401 or 403(b) of the Internal Revenue Code. Applicants assert that the purposes of section 14(a) will be served because, Account's sponsor, investment manager and underwriter is Great-West which has over $1,310,000,000 of assets and capital contingent reserves and surplus of over $116,000,000. Applicants represent that under Canadian law: (a) Account is an integral part of Great-West, and (b) the contractual obligations of Great-West under contracts issued in connection with Account cannot be abandoned by it until such obligations have been discharged. In addition, Applicants state that Account will have no liability for operating expenses, as they will be paid by Great-West.

Applicants contend that Great-West's financial resources provide the financial responsibility which section 14(a)(1) is designed to achieve.

Sections 15(a), 16(a), and 32(a)(2). Sections 15(a), 16(a), and 32(a)(2), in substance, require shareholder approval of the investment advisory agreement, the election of directors by shareholders, and shareholder ratification of the selection of an independent public accountant, respectively. Applicants state that there are no persons eligible to vote in connection with Account since no group variable annuity contracts have as yet been sold. Applicants request a temporary exemption from the requirements of sections 15(a), 16(a), and 32(a)(2) to allow Account to operate until the first annual meeting at which time the requirements of these sections can be met.

Section 22(d). Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus. Section 22(d) has been interpreted as prohibiting variations in the sales load except variations that are imposed on a uniform basis and are fully disclosed in the prospectus.

Applicants request an exemption from the provisions of section 22(d) to permit experience rating at the discretion of Great-West under any group contract issued in connection with Account on the anniversary dates of such contract if the charges by Great-West under the contract for services performed by Great-West under the contract, including sales services, exceed the expenses incurred by Great-West in providing such services. The determination of the experience rating credit which will either result in a reduction of the expense of subsequent investments or as an additional investment, will be made by the application of uniform standards to the experience under each group contract.

Sections 22(e) and 27(c)(1). Sections 22(e) and 27(c)(1) provide, in pertinent part, that (1) a registered investment company may not suspend the right of redemption or postpone the date of payment upon redemption of any redeemable security in accordance with its terms for more than 7 days after the tender of such security for redemption, and (2) a registered investment company issuing periodic payment plan certificates or an underwriter for such company may not sell such certificates unless such certificates are redeemable securities.

Applicants represent that prior to their maturity dates the contracts are redeemable and satisfy the redemption provisions of the Act. On their respective maturity dates the then value of the contracts is determined and applied to provide for lifetime annuity payments of variable amounts. Applicants state that if persons were allowed to redeem their annuities this would upset the operation of the mortality element of the annuity tables which is based on the annuity principle that amounts released upon death of annuitants who die prior to reaching the average life expectancy will equal the amount required to provide payments to annuitants who live longer than the average life expectancy. Applicants request exemption from sections 22(e) and 27(c)(1) to the extent necessary to prohibit an owner of a contract issued in connection with Account, or a participating employee thereunder from redeeming his contract or his individual participation thereunder after annuity payments have commenced.

Section 27(a)(3). Section 27(a)(3) provides in effect, that a registered investment company issuing periodic payment plan certificates may not deduct a sales load from any one of the first 12 monthly payments which exceeds proportionately the amount deducted from any other such payment, nor may it deduct a sales load from any subsequent payment which exceeds proportionately the amount deducted from any other subsequent payment.

Applicants state that the contracts which Account intends to issue are considered periodic payment plan certificates and that they provide for a deduction of 3.75 percent from each premium payment, of which 3.0 percent is for sales expenses. The contracts also provide for an additional deduction of $9, which is also to cover sales expenses, from the first premium paid in respect of each covered employee in each contract year.

Applicants represent that a number of items of sales expense will be incurred by Great-West regardless of the size of payment in respect of covered employees and that therefore, Great-West believes that the aforesaid provisions in the group contract provide a more realistic and equitable assessment of charges between various covered employees than a flat percentage charge.

Applicants request an exemption from the requirements of section 27(a)(3) to permit them to deduct the aforesaid $9 charge from the first monthly payment made in respect of each covered employee in each contract year.

Section 27(a)(4). Section 27(a)(4), as here pertinent, prohibits the sale of any periodic payment plan certificate issued by a registered investment company if the first payment on such certificate is less than $20 or any subsequent payment is less than $10. Applicants intend to sell group contracts which provide for a minimum monthly payment of $15. Applicant's represent that under these contracts if the amount of premium payments remains constant, the portion of such payments which is credited to the individual account of an employee will be the same for the initial policy year as it will be for any subsequent policy year.

Applicants state that an exemption from section 27(a)(4) is necessary to permit the sale of group contracts with a uniform minimum monthly payment of $15 and thus eliminate the administrative burdens involved for an employer in making a payroll deduction of $20 for the first payment and a deduction of $15 for all subsequent payments.

Section 27(c)(2). Section 27(c)(2) requires the proceeds of payments with respect to periodic payment plans certificates to be deposited with a bank having the qualifications prescribed in section 26(a)(1) as trustee or custodian under an agreement containing in substance the provisions required by section 26(a)(2) and (3) for trust indentures of unit investment trusts.

Great-West will establish, with the Bank of New York, a separate trust for the protection of owners and beneficiaries of contracts issued in connection with Account. The net contributions made by participating employees under the group contracts will be deposited into this trust.

Applicants submit that because of the unique nature of the variable annuity operation and because of the way that this operation differs from the normal operation of a unit investment trust contemplated in section 26(a)(2) none of the charges provided for in section 26(a)(2)(A), (B), and (C) will be made from the assets maintained in trust, but other charges may be made from such assets, such as charges for the mortality and expense guarantees provided by Great-West, charges for investment management and advisory services prescribed by Great-West, surrender charges imposed by the terms of group contracts, and the capital charge for administrative expenses. In addition, Great-West may pay annuity and other benefits out of its general account funds maintained in the United States and thereupon net such payments against contributions to be added to the trusteed assets of Account or it may withdraw the amount of such payments from the trusteed assets, eliminating the "netting-out" process. In either event, all such payments will be made by Great-West, not by the trustee. Similarly, Great-West will make periodic adjustments in the trusteed assets of Account, by adding to or withdrawing funds from Account, to reflect mortality losses or gains. Also, policyholders under certain circumstances may elect to transfer funds from a variable annuity contract to a conventional fixed dollar annuity contract, in which event funds will be transferred from Account to Great-West's general account funds maintained under a separate trust agreement. To accommodate these various needs to make distributions from the trusteed assets, the trust agreement provides for payments to Great-West for the payment of (a) the amount of taxes, if any, attributable to Account as specified in variable annuity contracts funded thereby, (b) amounts payable to Great-West pursuant to the terms of variable annuity contracts funded by Account for such items as administrative expenses, mortality and expense guarantees, investment management and advisory services and any surrender charges, (c) sums payable to, or transferable out of Account for the benefit of, policyholders, annuitants, beneficiaries or others pursuant to the terms of variable annuity contracts funded by Account, (d) sums payable to Great-West which represent released actuarial gains, and (e) other proper charges against Account.

Applicants consent to the requested exemption being made subject to the condition that Great-West's charges under variable annuity contracts funded by Account for administrative services shall not exceed such reasonable amount as the Commission shall prescribe, and that the Commission may reserve jurisdiction for such purpose.

Under the circumstances described above, Applicants request exemption from the requirement of section 27(c)(2) that the trust agreement contain, in substance, the provisions required by paragraph (2) of section 26(a) for the trust indentures of unit investment trusts, except to the extent that such provisions require that the trust agreement must provide, in substance, that the trustee shall have possession of all securities and

other property in which the funds of the trust are invested, all funds held for such investment, and all income upon, accretions to, and proceeds of such property and funds, and shall segregate and hold the same in trust subject to the terms of the trust agreement.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than October 31, 1968 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–12797; Filed, Oct. 21, 1968; 8:47 a.m.]

[File No. 1–3468]

MOUNTAIN STATES DEVELOPMENT CO.

Order Suspending Trading

OCTOBER 16, 1968.

The common stock, 1 cent, par value, of Mountain States Development Co. being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Mountain States Development Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 17, 1968, through October 26, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–12798; Filed, Oct. 21, 1968; 8:47 a.m.]

TOP NOTCH URANIUM AND MINING CORP.

Order Suspending Trading

OCTOBER 14, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Top Notch Uranium and Mining Corp. (a Utah corporation) and all other securities of Top Notch Uranium and Mining Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 15, 1968, through October 24, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–12799; Filed, Oct. 21, 1968; 8:47 a.m.]

[File No. 7–2990]

WALTER KIDDE & CO., INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 16, 1968.

In the matter of application of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Walter Kidde & Co., Inc. (Delaware), File No. 7–2990.

Upon receipt of a request, on or before October 31, 1968, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–12800; Filed, Oct. 21, 1968; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

TRANSAMERICA CAPITAL CORP.

Notice of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to § 107.701 of the regulations governing Small Business Investment Companies (13 CFR Part 107; 33 F.R. 326), for transfer of control of TransAmerica Capital Corp., License No. 05/05–0069, 1 South Oakwood Drive, Savannah, Ga. 31404 (TransAmerica), a Federal licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

TransAmerica was licensed on March 15, 1962. Its present paid-in capital and paid-in surplus from private sources is $353,998. It has 329,998 shares of issued and outstanding common stock owned by 62 stockholders. It presently has a portfolio of investments in diversified industries, including substantial interests in the oceanography field.

TransAmerica has entered into a preliminary joint letter of intent with the American Plan Corp. (American Plan), an insurance and financial management holding company, contemplating an exchange of shares of common stock. American Plan is a New York corporation having its principal place of business at the American Plan Building, Westbury, Long Island, N.Y. Mark Meyer

Hart, chairman of the board of directors of American Plan, controls 73 percent of the voting securities of American Plan. TransAmerica will become a wholly owned subsidiary of American Plan and continue its present operations under existing management, except for the addition of the following named persons to the board of directors of TransAmerica:

Mark Meyer Hart, 17 Westcliff Drive, Great Neck, N.Y. 11020.
Mortimer Weinberg, 12 Locust Drive, Great Neck, N.Y. 11021.

Matters involved in SBA's consideration of the application include the general business reputation of American Plan, Mark Meyer Hart, and Mortimer Weinberg, as well as the probability of the successful operation of TransAmerica as a wholly owned subsidiary of American Plan, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Prior to final action on the application, consideration will be given to any comments pertaining to the proposed transfer which are submitted in writing, to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within ten (10) days of the date of publication of this notice.

A copy of this notice will be published by the proposed transferee in a newspaper of general circulation in New York City, N.Y., and Savannah, Ga.

Dated: October 16, 1968.

GLENN R. BROWN,
Associate Administrator for Investment.

[F.R. Doc. 68-12791; Filed, Oct. 21, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 231]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 17, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70423, By order of October 14, 1968, the Transfer Board approved the transfer to G & W Warehouse Co., Inc., Neptune, N.J., of certificate No. MC-6471, issued November 5, 1940, to Sam Zolotarewski, doing business as Chelsea Express, 343 Broadway, Long Branch, N.J. 07740, authorizing the transportation of: Household goods, between points in Monmouth County, N.J., on the one hand, and, on the other, points in New York, Pennsylvania and the District of Columbia. George M. Chamlin, 150 Wall Street, West Long Branch, N.J. 07764; attorney for transferee.

No. MC-FC-70776. By order of October 14, 1968, the Transfer Board approved the transfer to Coats Freightways, Inc., Council Bluffs, Iowa, of a portion of the operating rights set forth in certificate No. MC-102608, all of the rights in certificates Nos. MC-102608 (Sub-No. 10) and MC-102608 (Sub-No. 11), and a portion of the rights in certificate No. MC-102608 (Sub-No. 15) issued September 23, 1953, June 20, 1958, December 2, 1958, and September 13, 1967, respectively, to Burlington Chicago Cartage, Inc., Kewanee, Ill., and authorizing the transportation of general commodities, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment other than refrigeration, and those injurious or contaminating to other lading, from Chicago, Ill., to Hastings, Nebr., serving the intermediate points of Peoria, Rock Island, and Moline, Ill., Davenport and Council Bluffs, Iowa, and Omaha, Lincoln, and Fairmont, Nebr., and the off-route points of Canton, Ill., Clinton, Iowa, and Beatrice, Nebr., the site of the Olin Mathieson Chemical Corp. plant near Mapleton, Ill., the plantsite of the Caterpillar Tractor Co., near Peoria, Ill., and the site of the Cooper-Jarrett, Inc., terminal in Du Page County, Ill. Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102; attorney for applicants.

No. MC-FC-70817. By order of October 15, 1968, the Transfer Board approved the transfer to North Collins Truck Service, Inc., North Collins, N.Y., of the operating rights in certificate No. MC-40053 issued April 16, 1953, to J. L. Van Dyke, Bradford, Pa., authorizing the transportation, over irregular routes, of heavy machinery and road building materials and supplies between points in Warren, McKean, Potter, Tioga, and Elk Counties, Pa., on the one hand, and, on the other, points in a specified western portion of New York. James L. Lekin, 815 Liberty Bank Building, Buffalo, N.Y. 14202; attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-12808; Filed, Oct. 21, 1968; 8:48 a.m.]

[Notice 713]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 16, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52869 (Sub-No. 89 TA), filed October 11, 1968. Applicant: NORTHERN TANK LINE, Post Office Box 990, Miles City, Mont. 59301. Applicant's representative: F. E. Keller (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products,* from points in Richland County, Mont., to points in North Dakota and South Dakota, for 180 days. NOTE: Applicant intends to tack authority applied for to other authority held by it. Supporting shipper: Farmers Union Central Exchange, Post Office Box G, St. Paul, Minn. 55101. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 95540 (Sub-No. 736 TA), filed October 11, 1968. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33802. Applicant's representative: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts,* from Greeley, Colo., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Monfort Packing Co., Box G, Greeley, Colo. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 103435 (Sub-No. 206 TA), filed October 14, 1968. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince, Post Office Box 192, Littleton, Colo. 80120. Applicant's representative: George R. Labissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular

routes, transporting: *Classes A and B explosives, blasting materials, agents and supplies,* between U.S. Government ammunition, ordnance producing and supply or storage locations at or near Grand Island, Nebr.; Crane, Ind.; Parsons, Kans.; Joliet, Seneca, and Rockdale, Ill.; and Denver, Colo., on the one hand, and the Umatilla Ordnance Depot at or near Hermiston, Oreg., and the Bangor Naval Ammunition Depot at or near Bangor, Wash., on the other hand. Restricted to traffic moving on Government bills of lading, for 180 days. Supporting shipper: Department of Defense, Washington, D.C. 20301. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 108449 (Sub-No. 290 TA), filed October 14, 1968. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Larry L. Gass (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Clay catalyst,* in bulk, from Minneapolis and St. Paul, Minn., to Superior, Wis., for 150 days. Supporting shipper: Filtrol Corp., 3250 East Washington Boulevard, Los Angeles, Calif. 90023. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, Minneapolis, Minn. 55401.

No. MC 109689 (Sub-No. 200 TA), filed October 14, 1968. Applicant: W. S. HATCH CO., 643 South 800 West Street, Post Office Box 1825, Salt Lake City, Utah 84110, Woods Cross, Utah 84087. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sodium bicarbonate and sodium carbonate products, and sodium borate (borax),* in packages or containers, when shipped with sodium bicarbonate or sodium carbonate products, from Alchem, Wyo., to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Texas, and Oklahoma, and *sodium borate (Borax),* from Trona, Westend, or Boron, Calif., to Alchem, Wyo., for 180 days. Supporting shipper: Church & Dwight Co., Inc., 2 Pennsylvania Plaza, New York, N.Y. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 110525 (Sub-No. 882 TA), filed October 11, 1968. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Insect repellent,* in bulk, in tank vehicles, from Elgin, S.C., to Neodesha, Kans., for 150 days. Supporting shipper: Hardwicke Chemical Co., Route 2, Box 50A, Elgin, S.C. 29045. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 111401 (Sub-No. 267 TA), filed October 11, 1968. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid animal feed supplements,* in bulk, in tank vehicles, and Arkansas City, Kans., from Enid, Okla., to Little Rock, Russellville, Searcy, Springdale, Ark.; Lamar, Colo.; Coolidge, Dodge City, Garden City, Howell, Hutchinson, Ingalls, Pratt, and Wichita, Kans.; Buffalo, Crescent, El Reno, Oklahoma City, and Woodward, Okla.; Dallas, Fort Worth, Friona, Hereford, and 3 SW Hereford, Tex., for 180 days. Supporting shipper: Sonner By-Products, 2015 East Eucalyptus, Enid, Okla. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 120800 (Sub-No. 16 TA), filed October 14, 1968. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, Calif. 90222. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid methane,* in bulk, in specially designed carrier owned semitrailers, from San Diego, Calif., to Phoenix, Ariz., for 180 days. Supporting shipper: Energy Systems, Inc., 501 South Third Avenue, Phoenix, Ariz. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 123383 (Sub-No. 37 TA), filed October 11, 1968. Applicant: BOYLE BROTHERS, INC., 276 River Road, Edgewater, N.J. 07020. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Composition boards, and materials and accessories* used in the installation thereof, from Milan and points in Henry County, Tenn., to points in Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, Connecticut, the District of Columbia, New York, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, Mississippi, Ohio, Georgia, Florida, Tennessee, and Alabama, for 180 days. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 127460 (Sub-No. 4 TA), filed October 14, 1968. Applicant: ZIPPY DISTRIBUTING, INC., Lakefield, Minn. 56150. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glassware, expanded polystyrene, solid plastic foamed materials, and earthenware,* from (1) Macomb, Ill., and Holliston, Mass., to points in Washington, Idaho, Oregon, Utah, California, Nevada, and Arizona; (2) from Lancaster and Columbus, Ohio to Macomb, Ill., for 180 days. Supporting shipper: A. L. Randall Co., 1325 West Randolph Street, Chicago, Ill. 60607. Send protests to: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 133204 (Sub-No. 1 TA), filed October 14, 1968. Applicant: KEITH TRUCKING, INC., Levant Road, Falconer, N.Y. 14753. Applicant's representative: Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *wood and wood products;* (3) *cabinets;* (4) *doors;* (5) *cement asbestos products;* (6) *plastic products;* (7) *aluminum and aluminum products;* (8) *products of* (a) *wood and metal combined,* (b) *wood and cement asbestos combined,* (c) *plastic and metal combined,* (d) *cement asbestos and metal combined,* (e) *aluminum and other metals combined,* (f) *plastic and wood combined;* (9) *materials, supplies, machinery and equipment* used in the manufacture of the commodities set forth in (1) through (8) above, between the plantsite of U.S. Plywood-Champion Papers, Inc., at Cattaraugus, N.Y., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia, under a continuing contract with U.S. Plywood-Champion Papers, Inc., for 180 days. Supporting shipper: U.S. Plywood, Engineered Products Division, Post Office Box 97, Cattaraugus, N.Y. 14719. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 121 Ellicott Street, Room 518, Buffalo, N.Y. 14203.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-12767; Filed, Oct. 18, 1968; 8:50 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under Title 2—The Congress. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 90th Congress, Second Session.

Approved October 17, 1968

H.R. 15114---------- Public Law 90-595
An Act to extend to savings notes the provisions of the Second Liberty Bond Act relating to the redemption of savings bonds and the payment of losses incurred in connection with such redemption.

S. 1247---------- Public Law 90-596
District of Columbia Public Space Rental Act.

H.R. 17273---------- Public Law 90-597
An Act to amend the Act of Sept. 21, 1959 (Public Law 86-339) relating to the Reservation of the Agua Caliente Band of Mission Indians.

S. 1246---------- Public Law 90-598
District of Columbia Public Space Utilization Act.

S. 3615---------- Public Law 90-599
An Act to authorize the Secretary of the Army to convey to the port of Cascade Locks, Oregon, a certain interest in lands in the State of Oregon for municipal purposes.

H.R. 17361---------- Public Law 90-600
An Act to provide for the striking of medals in commemoration of the one hundred and fiftieth anniversary of the founding of the city of Memphis.

S. 1763---------- Public Law 90-601
Guam Development Fund Act of 1968.

Approved October 18, 1968

H.R. 10790---------- Public Law 90-602
Radiation Control for Health and Safety Act of 1968.

S. 4158---------- Public Law 90-603
An Act to amend title 37, United States Code, to clarify the conditions under which physicians and dentists who extend their service on active duty in a uniformed service may be paid continuation pay.

H.R. 5785---------- Public Law 90-604
An Act to authorize the disposal of magnesium from the national stockpile.

H.R. 18248---------- Public Law 90-605
An Act to amend the Act of August 9, 1955, relating to certain common carrier operations in the District of Columbia.

H.R. 551---------- Public Law 90-606
An Act to authorize the establishment of the Biscayne National Monument in the State of Florida, and for other purposes.

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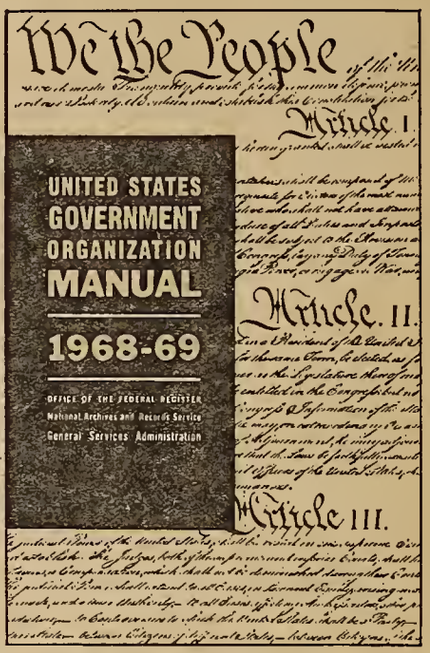

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